

EMPLOYEE AND MANAGEMENT HANDBOOK **for** **VIGO COUNTY, INDIANA**

October 2007

TABLE OF CONTENTS

INTRODUCTION

GENERAL STATEMENT

PAGE

I. APPLICATION OF POLICIES, PROCEDURES AND GUIDELINES

| | | |
|-----|---|---|
| 1.1 | Definition | 1 |
| 1.2 | Application | 1 |
| 1.3 | Exceptions | 1 |
| 1.4 | Prior Policies | 1 |
| 1.5 | Change in Policies, Procedures and Guidelines | 1 |
| 1.6 | Indemnification | 1 |
| 1.7 | No Waiver of Statutory Exemptions | 1 |

II. CLASSIFICATIONS OF EMPLOYMENT

| | | |
|-----|--------------------------------|---|
| 2.1 | Employee Status/Classification | 2 |
| 2.2 | Management Rights | 2 |

III. RECRUITMENT, SELECTION, EMPLOYMENT AND PROMOTION

| | | |
|------|---|----|
| 3.1 | Job Classification | 3 |
| 3.2 | Equal Opportunity Employment | 3 |
| 3.3 | Disabilities and Reasonable Accommodation | 4 |
| 3.4 | Immigration Law Compliance | 4 |
| 3.5 | Applications | 5 |
| 3.6 | Posting Vacancies | 5 |
| 3.7 | Applicant Evaluation | 5 |
| 3.8 | Hiring and Selection of Applicant | 6 |
| 3.9 | County Residents | 6 |
| 3.10 | Pre-employment Drug Screen | 6 |
| 3.11 | Orientation Period | 6 |
| 3.12 | Promotions of Employees | 6 |
| 3.13 | Evaluation | 7 |
| 3.14 | Temporary/Seasonal or Part-time help | 8 |
| 3.15 | Performance Probation | 8 |
| 3.16 | Temporary Assignment | 9 |
| 3.17 | Demotion | 9 |
| 3.18 | Nepotism | 10 |

IV. EMPLOYEE BENEFITS

| | | |
|------|--|----|
| 4.1 | Holidays | 10 |
| 4.3 | Vacation Leave | 11 |
| 4.3 | Sick/Personal Days | 13 |
| 4.4 | Family and Medical Leave | 14 |
| 4.5 | Employee Insurance | 20 |
| 4.6 | Public Employees' Retirement Fund (PERF) | 20 |
| 4.7 | Deferred Compensation Plans | 21 |
| 4.8 | Employee Life Option | 21 |
| 4.9 | Supplemental Insurance | 22 |
| 4.10 | Unemployment Compensation | 22 |
| 4.11 | Worker's Compensation Insurance | 22 |
| 4.12 | Funeral/Bereavement Leave | 22 |
| 4.13 | Civil Duty/Jury Duty | 23 |
| 4.14 | Military Leave | 23 |
| 4.15 | Unauthorized Leave | 23 |
| 4.16 | Abuse of Leave | 23 |
| 4.17 | Temporary and Occupational Leave | 23 |

V. COMPENSATION

| | | |
|------|--------------------------------|----|
| 5.1 | Hours of Work | 24 |
| 5.2 | Paydays | 24 |
| 5.3 | Pay Plan | 24 |
| 5.4 | Regular Pay Procedures | 25 |
| 5.5 | Calculation of Accrued Leave | 25 |
| 5.6 | Overtime and Documentation | 25 |
| 5.7 | Outside Employment | 27 |
| 5.8 | Ghost Employment | 27 |
| 5.9 | Weather Emergencies | 27 |
| 5.10 | Employee Travel; Reimbursement | 28 |
| 5.11 | Credit Cards | 28 |

VI. CONDITIONS OF EMPLOYMENT AND EMPLOYEE CONDUCT

| | | |
|------|--|----|
| 6.1 | Attendance/Absences | 29 |
| 6.2 | Ethics of Public Employment | 30 |
| 6.3 | Political Activity | 32 |
| 6.4 | Confidentiality | 32 |
| 6.5 | Solicitation | 32 |
| 6.6 | Use of County Property/Equipment | 32 |
| 6.7 | Personal Mail; and Telephone and/or Cell Phone Calls | 33 |
| 6.8 | Cellular Phones | 33 |
| 6.9 | E-mail and Electronic Communication | 34 |
| 6.10 | Drug and/or Alcohol | 38 |
| 6.11 | Tobacco Free Workforce | 41 |

| | | |
|-------|--|----|
| 6.12 | Sexual and Other Harassment | 41 |
| 6.13 | Harassment and Workplace Violence Prevention | 43 |
| 6.14 | Weapons, Firearms, and Explosives | 44 |
| 6.15 | Workplace Searches | 44 |
| 6.16 | Safety | 45 |
| 6.17 | Blood and Other Potentially Infectious Materials | 45 |
| 6.18 | Personal Appearance; Dress Code and Demeanor | 45 |
| 6.19 | Use of County Vehicles | 47 |
| 6.20 | Parking | 47 |
| 6.21 | Personal Finances | 48 |
| | | |
| VII. | <u>RECORDS</u> | |
| 7.1 | Personnel Files | 48 |
| 7.2 | Personnel Information Changes | 48 |
| 7.3 | Public Inspection of Personnel Information | 48 |
| 7.4 | Calculation of Attendance and Accrued Leave | 48 |
| 7.5 | Destruction of Records | 49 |
| | | |
| VIII. | <u>STANDARDS OF CONDUCT; DISCIPLINE</u> | |
| 8.1 | General Statement | 49 |
| 8.2 | Standards of Conduct | 49 |
| 8.3 | Prerequisites for Discipline | 51 |
| 8.4 | Disciplinary Action | 51 |
| | | |
| IX. | <u>SEPARATION</u> | |
| 9.1 | Resignation | 53 |
| 9.2 | Re-employment | 53 |
| 9.3 | Compulsory Resignation | 53 |
| 9.4 | Layoffs | 54 |
| 9.5 | Loss of Job Requirement | 54 |
| 9.6 | Discharge, Involuntary Termination | 54 |
| 9.7 | Retirement | 55 |
| 9.8 | Death | 55 |
| 9.9 | Reference Requests on past employees | 55 |
| | | |
| X. | <u>PROBLEM RESOLUTION</u> | |
| 10.1 | Problem Resolution using Grievance Procedures | 56 |

INTRODUCTION

The citizens of Vigo County rely on government through public employees to provide valuable services for our community. The Vigo County of Board Commissioners (Commissioners) welcomes you to what we hope will be a satisfying and rewarding experience in that work.

To answer questions you may have about county government and personnel procedures, we have prepared this Handbook. Please read it thoroughly and retain it for future reference. It is designed to provide employees information regarding benefits, responsibilities, procedures, and a summary of personnel policies established by the Commissioners.

The policies and procedures explained in this Handbook constitute those implemented by the Commissioners as a guide for the actions of employees and supervisors.

The Commissioners have the responsibility to make recommendations to the County Council as to the amount of salary to be paid to each county officer (observing statutory minimums) and also as to the number of deputies and other employees which each official may hire, as well as the compensation to be paid deputies and employees.

The elected office holders in the County function independent of the County Executive, i.e., the Board of County Commissioners (Commissioners) to the extent the elected office holders have duties and authority established by State statutes. Each elected office holder is solely responsible for the operation of his/her office consistent with statutory requirements, and for any appointed deputies for which the elected office holder is given responsibility under statutory provisions.

All other employees of the offices of elected office holders are hired and/or retained at the discretion of the elected office holder and are responsible to the elected office holder in whose office he/she is employed.

All offices or departments established under the office of the Commissioners are within the sole authority of the Commissioners except to extent the Commissioners delegate authority to a supervisor within the department or office.

The benefits, responsibilities, procedures and policies described in this Handbook are subject to change, modification and revision at the sole discretion of the Commissioners to meet the needs of the County and the workforce. Notice of any changes, modifications or revisions to this handbook will be issued. If you have any questions regarding benefits, responsibilities, procedures and/or policies, please ask your supervisor for assistance.

This Handbook does not grant an entitlement or an expectation of employment or continued employment. This Handbook is not and does not create property interests

or a contract, express or implied, guaranteeing employment or employment for any specific duration. All County employees are and will remain employees at will. The employee or the county may terminate the employment relationship at any time, for any reason, with or without cause or notice. If and when a contract of employment for a specific duration is intended, it will be separately entered into, in writing, and signed by appropriate department head, elected office holder or otherwise. As public servants, we are mindful of our obligations to all citizens to provide quality service and courteous treatment. We look forward to working with you in delivering the best to our fellow citizens.

Judith Anderson

David Decker

Paul Mason

I.

APPLICATION OF POLICIES, PROCEDURES AND GUIDELINES

1.1 **Definition.** As used throughout this Handbook:

- a. The term “responsible Elected Official” means an official elected by the public and charged with specific duties and responsibilities by statute or constitution. It includes Commissioners, Council Members, Auditor, Clerk, Recorder, Surveyor, Prosecuting Attorney, Coroner, Treasurer, County Assessor, and Township Assessors.
- b. The term “department head” means an individual, board, or commission appointed by elected officials and charged with the authority by statute or delegation by the appointing official to manage a department of county government or a set of employees within a department.
- c. The term “supervisor” means not a department head, nor a chief deputy, but a person given leadership over employees.

1.2 **Application.** This Handbook applies to all full-time County employees not covered by a collective bargaining agreement or not specifically excluded herein.

1.3 **Exceptions.** Except with respect to terms relating to compensation and benefits provided by the County, this handbook does not apply to elected officials, the Sheriff’s Merit Board employees and the Juvenile Magistrate. Judicial and non-merit employees must follow the handbook and as of December 1, 2007 all new hires must adhere.

1.4 **Prior Policies.** The personnel policies contained in this Handbook supersede any and all policies in effect that are inconsistent with those contained herein.

1.5 **Changes in Policies, Procedures and/or Guidelines.** The County may, in its sole discretion, change or add to its policies and/or procedures at any time without advance notice. All such changes shall be posted and/or otherwise distributed to all employees affected thereby.

1.6 **Indemnification.** The County reserves the right not to provide legal coverage if policies are not followed.

1.7 **No Waiver of Statutory Exemptions.** This Handbook may extend benefits or protections to employees beyond what is required by federal or state law. By providing such benefits or protections, the County does not waive or concede that the employee receiving the benefit is legally entitled to it. The County reserves the right, at any time, to withdraw or withhold a benefit based on a determination that the employee is exempt or otherwise not entitled to the benefit, and further does not waive its right to contend at a later date that the employee was exempt or otherwise not entitled to receive the benefit.

II.

CLASSIFICATIONS OF EMPLOYEES

2.1 **Employee Status/Classification.** Employee is defined as an individual who is carried on County payroll records as an active employee and who receives wages through the County payroll.

For the purpose of salary and benefit administration and labor law compliance, County positions fall into one of the following defined categories:

- a. Exempt Employee. An employee who is not covered by the overtime requirements of the Fair Labor Standards Act (FLSA) because he/she is a salaried employee working in a professional, executive, administrative or other exempt capacity as defined in the FLSA.

According to the U.S. Department of Labor, Indianapolis Office, the position of Chief Deputy is considered exempt by the guidelines set under the Fair Labor Standards Act.

- b. Full-time Employee. An employee who is employed on a year-round basis and works a regularly scheduled workweek of thirty-five (35) to forty (40) or more hours per work week. The full-time employee may be an exempt or non-exempt employee under FLSA.
- c. Non-exempt Employee. An employee who is covered by the overtime requirements of the FLSA and who must receive compensation at one and one half times his/her normal rate of pay for all hours actually worked in excess of forty (40) hours during a single workweek.
- d. Part-time Employee. An employee who is employed on a year-round basis and whose regularly scheduled workweek is less than thirty-five (35) hours per week. The part-time employee may be an exempt or non-exempt employee under FLSA.
- e. Temporary/Seasonal Employee. An employee who is employed on less than a year-round basis and for a limited period of seasonal or temporary work. The temporary/seasonal employee may be exempt or non-exempt under FLSA.

2.2 **Management Rights.** The County, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct its workforce on behalf of the public, and to conduct the operations and activities of the County to the full extent authorized by law.

The County shall be defined to mean the Vigo County Board of County Commissioners, the Vigo County Council, the Elected Officials of Vigo County, Agency and Department heads acting individually or in conjunction with each other within the areas of

responsibility assigned to said individuals or as defined by applicable statute, constitutional provision, ordinance case law or resolution.

III.

RECRUITMENT, SELECTION, EMPLOYMENT AND PROMOTION

3.1 **Job classification.** Each position in Vigo County government shall be identified with a job description, which includes the essential functions and the requirements for the position.

3.2 **Equal Opportunity Employment.** Vigo County is an equal employment opportunity employer and will not discriminate against any employee or applicant for employment in a manner that violates the law. Vigo County promotes equal employment opportunity to all qualified persons without regard to race, color, sex, age, religion, national origin, political affiliation, physical or mental disability or any other protected classification. It is the intent of the Board of Commissioners that equal employment is provided in employment, promotion, wages, benefits, and all other privileges, terms and conditions of employment. Any person employed by the County who believes that he or she has been a victim of some form of discrimination should report the incident immediately to (1) his/her supervisor and/or responsible Elected Official, (2) Human Resources, or (3) EEO Officer. If the supervisor, department head or responsible elected official is the subject of the complaint, the matter may be reported to another supervisor, department head, chief deputy, Human Resources, EEO Officer, or a Commissioner.

Persons submitting complaints of discrimination are assured that a thorough investigation of such complaints will be conducted. Information collected during such an investigation will be considered confidential and will not be disclosed to persons not involved directly in conducting the investigation and determining what action, if any, to take in response to the complaint. No adverse action will be taken against any employee because he or she reports an incident of discrimination unless it is found that the report was made in bad faith.

If, following a complaint of discrimination, an investigation reveals that some act of discrimination has occurred; the person who has violated the above-described prohibition of discrimination will be subject to sanctions or penalties up to and including termination. The sanction or penalty administered under this policy will depend on all circumstances, including the offending employee's prior work record and the specifics regarding the nature of the violation. If the offender is not an employee of the County, reasonable measures will be taken to the extent that the County can exercise control over the problem.

3.3 Disabilities and Reasonable Accommodation. Vigo County endorses the clear mandate of the Americans with Disabilities Act of 1990 (ADA) to remove barriers, which prevent qualified individuals with disabilities from enjoying the same opportunities available to those persons without disabilities. Vigo County will not discriminate against a qualified individual with a disability with regard to any aspects of employment including recruitment, application process, hiring, promotion, demotion, layoff recall, transfer, employee compensation, termination and all other terms and conditions of employment. Vigo County will provide reasonable accommodations to an otherwise qualified individual with a disability who can perform the essential functions of a position as long as the reasonable accommodation does not impose an undue hardship on the County and the person's disability does not pose a direct threat to the health and/or safety of others in the workplace.

The American with Disabilities Act of 1990 permits the County to require that an employee does not pose a direct threat to the health or safety of himself/herself or others in the workplace. This determination must be based on objective, factual evidence regarding the employee's present ability, not potential risk, to safely perform the essential job functions. Even if such a threat exists, the County must conduct an assessment to determine whether a reasonable accommodation can be found that would eliminate the risk or reduce it to an acceptable level. Individuals who pose a direct threat to the health or safety of other individuals in the workforce, and which threat cannot be eliminated by reasonable accommodation, will not be hired or retained.

An Accommodation Request Form must be initiated whenever an applicant or employee requests an accommodation, or it is apparent that a reasonable accommodation may enable an employee with a disability to perform the essential functions of a position, participate in the employment process, or take part in a program or activity. The form may be initiated by the department head and/or supervisor or by the individual requesting the accommodation. These forms are available through Human Resources.

When assessing an accommodation request, a medical evaluation or other documentation from health services may be required to determine if the requestor has a disability covered by ADA, to assess specified limitations and capabilities, and to help identify an effective accommodation.

All aspects of Vigo County's policy on disabilities and reasonable accommodations shall be defined and construed consistent with the ADA and the case law and/or regulations promulgated there under.

3.4 Immigration Law Compliance. Vigo County is committed to employ only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1996, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form.

3.5 Applications. With the approval of the Commissioners, Human Resources shall develop and maintain a current job application form. All persons desiring employment with Vigo County are required to apply through Human Resources. The responsible Elected Officials, department heads, and/or supervisors should not accept applications and/or create department applications. In addition, applications will only be accepted for current job vacancies or potential vacancies. All applications will be kept on file for six (6) months after a selection has been made, and the application of the person selected will be made part of his/her personnel file. Applicants must sign applications, verifying that the information contained therein is true. The discovery of false information or material omissions is cause for reassessment and possible termination.

3.6 Posting Vacancies. This section does not apply to positions for Department Heads, statutory appointments by the County Commissioners or positions or services provided by contract. Each responsible Elected Official, department head, and/or supervisor shall notify Human Resources promptly of an actual or projected vacancy. The responsible Elected Official, department head, and/or supervisor will determine if the vacancy is to be filled; whether the position is to be filled as a full-time, part-time or temporary/seasonal position; assure that County procedures are followed; and determine if the position is funded with appropriations by the County Council.

When appropriations are met, Human Resources will prepare a vacancy announcement outlining the essential and nonessential functions, responsibilities, job requirements, job title, location, salary range, and the time, place and manner for making application. The announcement shall be posted by Human Resources on official job boards, the County website or other conspicuous places, and may be made known to present employees by such other means as is deemed appropriate.

Position vacancies may also be the subject of outside recruiting, newspaper advertising or such other means as the responsible Elected Official, department head and/or supervisor deems reasonable and appropriate to create a pool of applicants from which selection may be made.

For outside recruiting, the County will establish an effective outreach program to assure that all segments of the available work force are given an adequate opportunity to apply for County positions.

3.7 Applicant Evaluation. All applicants will be rated on the basis of their education, training, experience, oral interviews and the results of any examinations required for the position being filled. The County reserves the right to require documentation of any asserted education, training, and experience or examination result.

3.8 Hiring and Selection of Applicant. It is the goal of the County to attract, hire, and retain qualified individuals. While hiring and selection is within the discretion of the responsible hiring authority, Human Resources is responsible to provide effective management of employment policies, employee relations, equal opportunity and other components of HR functions. Therefore, each responsible hiring authority shall supply and keep open informed communication with Human Resources. Human Resources will inform applicants of their status, provide reference checks, may offer the position and mail rejection letters. Responsible hiring authority shall set appointments for new hire processing with Human Resources. For new hires to receive pay, new hires shall fill out a personal data sheet, federal and state mandated forms, and withholding certificates. If the new hire is full-time, benefits should be covered and forms must be filled out through Human Resources. An offer of employment shall be made to the applicant to be the best overall qualified candidate for the position based on the evaluation and the response to reference checks.

3.9 County Residents. Applicants who are Vigo County residents will be given priority consideration over nonresidents of Vigo County.

3.10 Pre-employment Drug Screen. Any individual who is offered employment for a position in a department that requires drug screening must submit to a drug screen at a designated location under procedures that will be provided to the individual. The County will pay for the cost of the drug screen. The offer of employment is conditional upon the individual receiving a negative test result.

In cases where there is reasonable suspicion of drug or alcohol use, see section 6.10 Drug and/or Alcohol.

3.11 Orientation Period. The orientation period shall be regarded as an integral part of the examination process. It shall be utilized to permit the newly hired employee to become familiar with the job; to permit the department head and/or supervisor to observe the new hire's work; to permit the most effective adjustment of a new hire to his/her position; and to permit the department head and/or supervisor to decide whether the new hire should be retained. The normal orientation period shall be six (6) months in duration.

3.12 Promotion of Employees. Vigo County believes in promoting employees from within whenever possible. When job openings arise, qualified candidates will be given full consideration in filling those openings. A job posting process described in section 3.6 will notify current employees.

To be eligible to apply for an open posted position an employee must be in good standing and must have been actively employed in their current position for a minimum of six (6) months.

Employees are responsible for monitoring the official job boards, the County website or

any additional recruitment resources used. They are also responsible for submitting their applications to Human Resources and for demonstrating that they are qualified for the open position.

Responsible Elected Officials, department heads, and/or supervisors are responsible for seeing that all reasonable efforts have been made to provide promotional opportunity for any County employee properly qualified for the position available by completing honest and complete performance evaluations for each employee during each twelve (12) month period.

Employees who have been promoted will be placed on orientation in the new position and will be evaluated accordingly. Should the employee not meet the standards set for the new position, the responsible Elected Official, department head, and/or supervisor may initiate demotion or termination procedures.

When promoted, an employee shall be compensated based on the grade level of the position and the experience level of the employee. Employees promoted or transferred shall retain their accrued service time and benefits. Only full-time service shall count toward years of service.

3.13 Evaluation. Appraising the performance and productivity of each employee is necessary for the employee to know the quality of his/her work, and whether he/she is meeting expected performance levels. Appraisals are equally important to management in identifying training needs or promotional opportunities; for identifying future manpower needs; for providing additional documentation for disciplinary actions; and for providing a basis for judging performance. Appraisals also help to differentiate between the performances of individual employees, thus forming the cornerstone of success for any compensation system involving the merit concept. An evaluation form is available through Human Resources or it can be downloaded off the County website.

- a. Each office shall evaluate each employee at least once during each twelve (12) months of employment. The purposes of the evaluation are to:
 1. Advise the employee how he/she is performing and areas that may need improvement.
 2. Help to determine whether the employee will have or has the potential to succeed in his/her assigned job.

Exceptions to the annual review as a matter of policy are as follows:

1. The performance of employees on orientation period shall be evaluated at ninety (90) days and at the end of the period. The purpose of this review is to evaluate the progress and performance of new employees.

2. The performance of employees on performance probation shall be evaluated as provided in respective section 3.15.
- b. The formal performance appraisal shall be conducted by the department head or supervisor who is responsible for the oversight of the employee. The evaluating responsible Elected Official, department head, and/or supervisor should:
 1. Review the employee's job description. The employee should be rated on how he/she fulfilled the duties and responsibilities set forth in the job description, and also any special assignments not specifically mentioned.
 2. Review the employee's accomplishment of goals or objectives previously agreed upon between the employee and responsible Elected Official, department head, and/or the supervisor.
 3. Complete the Performance Evaluation Form, sign it and if applicable forward it to the person or entity to whom the department head and/or supervisor is responsible.
 4. The responsible Elected Official, department head, and/or supervisor shall discuss the appraisal with the employee and ask him/her to sign the evaluation report, indicating that the appraisal has been discussed. If the employee refuses to sign or a signature cannot be obtained, the evaluator must indicate such on the form.
 5. The employee has the right to disagree and comment on the evaluation form, but the evaluation cannot be the basis for filing a formal grievance.
 6. The responsible Elected Official, department head, and/or supervisor shall file the completed Employee Evaluation Form in the employee's personnel file in Human Resources.

3.14 **Temporary/Seasonal or Part-time Help.** All temporary, seasonal, and part-time employees shall have an application, personal data sheet, federal and state mandated forms, and withholding certificates on file with Human Resources on or before beginning date of employment.

Temporary, seasonal and part-time employees should also be given the benefit of evaluations as time permits. Such evaluations when performed should be conducted in the same manner as those for full-time employees and should be filed in the employee's personnel file.

3.15 **Performance Probation.** An employee may be placed on performance probation if a written evaluation of his/her work performance indicates that his/her work performance is below the acceptable standard. At the time an employee is placed on performance

probation, the responsible Elected Official, department head, and/or supervisor shall establish with the employee the goals to be accomplished by the employee and time period in which the employee's attainment of goals and work performance shall be re-evaluated. Failure by the employee to successfully complete his/her performance probationary period shall result in demotion or termination by the responsible Elected Official, department head or the supervisor. At the end of the performance probationary period, whether successfully completed or unsuccessfully completed, a written evaluation shall be prepared. Employees on performance probation have all the rights of other employees within the same classification.

3.16 **Temporary Assignment.** A temporary assignment shall be defined as placement in a position that is not permanent and which does not exceed the time necessary to complete the specific task or, in no case, twelve (12) months of continuous employment.

The following shall apply to a temporary assignment:

- a. The position may be filled through reassignment of an employee from an equal or lower position.
- b. A temporary assignment may be considered as a training assignment during which an employee may obtain experience qualifying him/her for future promotion.
- c. Qualifications of employees shall be considered when an employee is given a temporary job assignment.
- d. An employee assigned to a temporary job shall be paid his/her current regular wage during the time the employee occupies the temporary job assignment unless approval of a different rate of pay is approved by the department head or the supervisor, the Commissioners, and the County Council (if necessary).
- e. If a temporary assignment is filled by a candidate who is not a current County employee, he/she shall be paid at the current rate established by the County Council for the temporary position, and the policies stated herein for temporary/seasonal employees shall apply.

3.17 **Demotion.** An employee may be demoted at his/her own request to a vacant position in a lower class, subject to the approval of the department head and/or the supervisor. The department head and/or supervisor shall determine whether the employee is qualified to perform the essential duties and responsibilities of the lower class position.

A department head and/or supervisor with the approval of the Elected Official responsible for that position may demote an employee to a lower class position when a position vacancy exists because of office or department need or because of the

performance of the employee in his/her current position. An employee may be demoted only to a job for which the employee is qualified and only where a position vacancy exists.

The salary of an employee who is demoted to a lower class shall be reduced to the appropriate salary range commensurate with the new assignment. Employees demoted shall retain their accrued time and benefits. Only regular full-time service shall count toward years of service.

3.18 **Nepotism**. The employment of relatives in the same department of the County may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Therefore, the County policy prohibits prospective permanent full-time employees to work under the direct or general supervision of a relative. The County also prohibits relatives from occupying positions in the same line of authority within the organization.

For purposes of this policy, relatives are defined as any person who is related by blood, adoption or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. Examples of relatives include, but are not limited to, parents, children, siblings, grandparents, aunts, uncles, nieces, nephews, immediate cousins or in-laws.

The County policy is to hire, promote, and transfer employees on the basis of individual merit and to avoid any hint of favoritism or discrimination in making such decisions. The employment of relatives in positions where one might have influence over the other's status or job security is regarded as a potential violation of this policy.

When two current employees marry, it is at the discretion of the responsible Elected Official for a special exception to be considered.

This policy shall not be retroactive.

IV.

Employee Benefits

4.1 **Holidays**. The following days are designated as regular holidays for full-time employees:

New Year's Day, Martin Luther King Jr. Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Days, Veteran's Day, Thanksgiving holiday (Thursday and Friday) and Christmas Day. Other days maybe declared holidays by the Commissioners at their discretion.

Depending upon the needs of a particular office or department, some employees may be required to work on regularly designated holidays. Employees who are required to work on a holiday shall receive compensation for the hours worked or comparable time off another day. All full-time employees shall receive their regular daily salary or straight-time hourly wage (based on regular hours paid and excluding overtime hours) for each of the above mentioned holidays, or the substitute for such holiday when holidays are worked, providing the employee is in pay status the entire day before and the entire day after the holiday by working the regularly scheduled day before and day after the holiday. Depending on the needs of the office or department and creating no hardship, employees may request leave to take a personal day or vacation day and be in pay status. Being in pay status would not include unpaid days, sick days or call-ins. Holidays, which occur during vacation, shall not be charged against accrued vacation time.

Part-time and temporary/seasonal employees will not be paid for holidays unless they actually work that day and shall then be paid at the regular rate of pay.

4.2 Vacation Leave. Vacation is accrued by anniversary year. Vacation leave for full-time employees shall be accrued on a pro-rated basis as follows:

- a. Employees shall not accrue vacation time during the orientation period as defined in section 3.11, which will be during the first six (6) months of employment.
- b. Full-time employees who have completed their orientation period accrue vacation leave during each year of continuous employment calculated from date of hire as follows:

| Vacation Leave Accrual Rate | County Service |
|------------------------------------|-----------------------|
| 5 days | after one year |
| 10 days | after two years |
| 15 days | after five years |
- c. For each year of continuous full-time employment of more than five (5) years, the employee shall receive one (1) additional bonus vacation day per year up to a maximum of five (5) additional bonus days.
- d. No employee will be granted vacation leave in advance of vacation leave being accrued.
- e. Vacation is earned on an annual basis based upon date of hire. Employee records should notate the accrued vacation on the employee's anniversary date not the start of the new fiscal year. No employee may carry over from one anniversary year to the next more than ten (10) days of accrued vacation leave.
- f. Authorization for the use of accrued vacation leave is always subject to the

needs of the office or department in which the employee works. Acceptable patterns for use of accrued vacation may vary depending on the nature of the work. Subject to the needs of the County or the office or department in which an employee works, an employee may take any portion of or all of his/her accrued vacation leave up to a maximum of twenty (20) days at any time during the year provided he/she complies with other provisions of these policies and has had the vacation approved by the department head and/or supervisor under whom the employee works.

- g. Vacation leave shall be granted in minimum increments of one half (1/2) day which in AM would be 8AM to noon and PM would be noon until 4 PM.
- h. All vacation leave shall be approved by the department head and/or supervisor at least three (3) days prior to the day upon which the vacation commences.
- i. Vacation shall be charged at the regular, straight-time rate the employee is scheduled to work.
- j. Part-time and temporary/seasonal employees are not eligible to accrue vacation leave.
- k. An employee who has not been employed continuously in a full-time position for a minimum of six (6) months shall not be eligible for vacation pay upon termination of employment.
- l. The payment of accrued vacation in lieu of taking vacation is not allowed, except at the time of separation and providing:
 - 1. The employee must have continuously worked as a full-time employee for more than six (6) months.
 - 2. The employee must give at least two (2) weeks notice.
 - 3. The employee must voluntarily resign.
 - 4. Upon separation, employees may receive payment for accrued vacation if the above items 1-3 are met. Accrual of vacation leave for the year in which the employee leaves the County employment shall be pro-rated as of the last day worked.

If an employee does not meet the conditions provided, the employee is not entitled to compensation for accrued vacation time.
- m. Vacation leave cannot be earned while the employee is on unpaid leave.

4.3 **Sick/Personal Days**. Full-time employees receive one day of paid absence credit for each full month of employment for an accumulation of 12 days each calendar year. (In other words, employees receive a day for each full month worked.)

Sick/Personal days for full-time employees shall be accrued as follows:

- a. Employees shall accrue sick leave and personal days during the orientation period as defined in section 3.11 beginning the first day of the month following hire date, but such leave will not be paid during the first six (6) months of employment. Any absences during the orientation period are not paid.
- b. At the end of the orientation period, newly hired employees that are full-time will be credited with four (4) sick days and two (2) personal days. Employees who continue full-time employment may accrue up to eight (8) sick days and four (4) personal days per calendar year.

Full-time employees will accrue personal days in the following quarterly months: January, April, July, and October. Other months of the calendar year the employee will accrue sick days.

Personal days may be used only in the calendar year in which they are accrued. Accrued but unused personal days will be forfeited; employees may carry over from year to year a maximum of thirty-six (36) accrued but unused sick days.

Eligible regular full-time employees will accrue at the rate of eight hours per month.

- c. No employee will be granted sick/personal days in advance of sick/personal days being earned.
- d. Sick/personal days may be taken at minimum of one half (1/2) day increments.
- e. Sick/personal days may not be used to supplement or add to vacation leave, but vacation leave may be used to supplement or add to sick/personal days.
- f. Accrued but unused sick/personal days will not be paid for at the time the employee leaves his/her employment with the County.
- g. Sick/personal days cannot be earned while the employee is on unpaid leave.
- h. Part-time and temporary/seasonal employees are not eligible to accrue sick/personal leave.

- i. Sick leave may be used for an employee, spouse, or dependent's medical appointment, disability or illness (the illness or disability of the employee's immediate family is addressed in the Family and Medical Leave section herein) or to supplement an employee's worker's compensation to receive normal pay.
- j. Abuse of sick leave may lead to a request that the employee verify his/her illness and/or to disciplinary action, including termination. An example of an abuse of sick leave would be repeated and unsubstantiated use of sick time on a Monday, or a Friday or on the day before or after a vacation period.

4.4 Family and Medical Leave. The Family and Medical Leave Act of 1993 (FMLA) became effective for FMLA-eligible employees on December 1, 1993. Vigo County will comply fully with all rules and regulations as required by the Act. The provision of FMLA benefits to noneligible employees is not to be interpreted as a concession that such employees are eligible under FMLA.

- a. Under the Family and Medical Leave Act of 1993, certain employees are eligible for up to twelve (12) weeks of unpaid, job-related leave per rolling 12-month period for any of the following reasons:
 1. Birth or care of a newborn child of the employee. (The leave must be taken within twelve (12) months of the date of birth.)
 2. Placement with the employee of a child by way of adoption or for foster care. (The leave must be taken within twelve (12) months of the date of placement.)
 3. To care for the employee's spouse, child or parent who has a serious health condition.
 4. Because of a serious health condition of the employee that renders the employee unable to perform the functions of his/her job.
- b. For the purposes of this policy, the following definitions shall apply:
 1. Family and Medical Leave. Any leave taken pursuant to this policy or or for any of the reasons listed above and approved by Human Resources as Family and Medical Leave.
 2. Serious Health Condition. Any illness, injury, impairment or physical or mental condition that involves:
 - a. any in-patient care (i.e., an overnight stay) in a hospital, hospice, or

other residential medical care facility (including any period of incapacity or any subsequent treatment in connection with the in-patient care);

- b. any period of incapacity of more than 3 consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (i) treatment 2 or more times by a health care provider, by a nurse or physician's assistant under the direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider, or (ii) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider.
- c. any period of incapacity due to pregnancy or for prenatal care;
- d. any period of incapacity due to a chronic serious health condition;
- e. condition for which treatment may not be effective, if the employee (or family member) is under the continuing supervision of (but not necessarily receiving active treatment by) a health care provider; or
- f. any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that likely will result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment.

For purposes of this policy, "incapacity" means the inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore or recovery therefrom.

"Serious health condition" includes any condition which gives rise to an absence from work that is covered by a County-provided disability program (for either occupational or non-occupational disabilities or diseases), provided such absence also satisfies (a), (b), (c), (d), (e), and (f) above.

- 3. Parent. The biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.
- 4. Child. The biological, adopted, foster child, stepchild, or legal ward of the employee or a child to whom the employee has stood in the position of in loco parentis, who is under eighteen (18) years of age or who is older than eighteen (18) years of age and incapable of self

care because of a physical or mental disability.

5. In Loco Parentis. An individual who has day-to-day responsibility to care for and financially support a child.

- c. Eligibility. An employee who has been employed for at least twelve (12) months (not necessarily consecutive) and who has actually worked at least One Thousand Two Hundred Fifty (1,250) hours (determined according to the principles established under the Fair Labor Standards Act), excluding vacations and other non-working time, during the twelve (12) months immediately preceding the date the leave is to begin and is not covered by a collective bargaining agreement is eligible for twelve (12) weeks of family and medical leave in a rolling twelve (12) month period. The twelve (12) month period shall be measured backward from the date the employee uses Family and Medical Leave.

Eligibility will be determined as of the date the leave commences. The total amount of the FML an eligible employee is entitled to take for any of the purposes set forth in this Policy, or any combination of purposes, is 12 weeks during any rolling 12-month period, measured backward from the date the employee uses the FML.

If a husband and wife are both employed by the County, meaning that they each are paid through the County payroll even if they are not both covered by this Handbook, they are permitted to take only a combined total of twelve (12) weeks of Family and Medical Leave during a twelve (12) month period if the leave is taken for the birth of a child or after placement of an adopted or foster child, or to care for the child after birth or placement or to care for a parent with a serious health condition.

- d. Procedures. An employee desiring a FML shall notify Human Resources as well as have the attending physician complete a prescribed form available from Human Resources, unless this is impossible due to an emergency. Employees generally are expected to give at least 30 days in advance notice of intent to take a foreseeable FML, such as in the case of a planned medical treatment. Where 30 days advance notice is not possible the employee must give as much notice as is practicable. If the need for a leave is not foreseeable, the employee generally is expected to give notice to the County within 2 days of learning of the need. An employee who fails to give 30 days advance notice of foreseeable FML may be denied leave until 30 days after the date the employee provides the required notice. Subject to the health care provider's approval, employees who request leave for planned medical treatments must make a reasonable effort to schedule treatment so as not to disrupt the County's operations. The completed prescribed form must be returned to Human resources in a timely manner.
- e. All accrued paid leave time must be exhausted prior to beginning the unpaid

portion of the leave. (Sick leave shall be exhausted only if the Family and Medical Leave is for the serious health condition of the employee.) Once accrued paid leave time has been exhausted, the remainder of the leave shall be unpaid. All substituted paid time off will be counted against an eligible employee's FML entitlement. Furthermore, if the FML is being taken for the employee's own serious health condition and that serious health condition also entitles the employee to leave under a County-provided disability program or to a worker's compensation absence, these leaves will run concurrently for purposes of both the disability plan and the FML entitlement.

- f. An eligible employee's request for FML due to a serious health condition (either the employee's own or that of a family member) must be supported by a timely certification issued by a health care provider. Also, in general, a re-certification may be required every 30 calendar days. When the leave is foreseeable and at least 30 days notice has been provided, the employee must provide the original certification to Human Resources as well as notify their department head and/or supervisor before the leave begins. In other situations, the original certification must be provided to Human Resources within 15 days following the employer's request for certification. If the certification or re-certification is not provided as set forth above, leave may be denied or discontinued until it is provided. The County may elect to obtain a second, and in some circumstances, a third, opinion of the existence of a serious health condition.

In the event of a serious health condition of the employee that is covered under a County-provided disability program (for either occupational or non-occupational disabilities or diseases), the certification requirement will be considered satisfied if the employee complies with the procedures for coverage under such programs.

- g. Employees are required to make a reasonable effort to schedule medical treatment so as not to disrupt County operations.
- h. Intermittent or Reduced Work Schedule. As part of an eligible Employee's leave for a serious health condition (either the employee's own or that of a family member), intermittent or reduced schedule leave may be taken if a treating health care provider certifies this as medically necessary. Leave taken following the birth or placement of a child or for the care of a child following birth or placement and not for a serious health condition cannot be taken intermittently or on a reduced leave schedule. However, intermittent or reduced schedule leave may be taken if certified as medically necessary if the mother has a serious health condition in connection with the birth of her child or if the child has a serious health condition. Employees seeking intermittent or reduced schedule leave for a serious health condition must produce medical

certification issued by health care provider. The County may elect to obtain a second, and in some circumstances, a third, opinion of the medical necessity for this type of leave.

- i. Benefits during Leave. Existing health benefit coverage offered by the County and elected by the Employee, such as health insurance (“health benefits”), will remain in force during the Employee’s FML period as long as required contributions, if applicable, are made by the Employee during this period according to the procedure set forth below.

During any paid portion of a FML an Employee’s benefits will remain intact. An Employee’s contribution for Health Benefits coverage will continue to be made by payroll deduction or by whatever alternative method is normally utilized for making such contributions when the Employee is on paid leave.

Employees on an unpaid FML (i.e. after all otherwise applicable unused accrued paid time-off has been exhausted) will maintain the benefits they accrued prior to commencement of the leave but will not accrue additional seniority or benefits while on unpaid leave. While on an unpaid leave, an Employee’s required contribution for Health Benefits coverage must be submitted by the 1st of each month or otherwise agreed in writing between the County and the employee. Employees will be notified of the amount of the premium payments they must make in order to continue coverage. An employee should contact Human Resources for information on how to continue to make his/her insurance contribution.

If an employee’s contribution is not made within thirty (30) days of the due date, all Health Benefits coverage for which the employee is required to contribute can be terminated, provided that the County has given the employee fifteen (15) days advance written notice of the termination of coverage.

Upon return from the FML, even if Health Benefits coverage has lapsed, an employee will be reinstated to benefit coverages on the same terms as prior to taking the leave, without any qualifying period, physical examination, or pre-existing condition limitation. Any changes made by the county to employee contributions for Health Benefits coverage will apply to employees on FML leave.

If an employee fails to return to work after FML has been exhausted, the County also may recover its share of the contribution paid by the County for maintaining the employee’s Health Benefits coverage during any period of unpaid FML, provided the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a serious health condition of the employee or the employee’s family member, or other circumstances beyond

the employee's control. (Note that in the event of a serious health condition, the County may require medical certification of such condition, which must be provided within thirty (30) days of the request.) The County may not recover its share of the contribution paid by it to maintain benefit coverage during any part of a FML for which unused paid leave has been substituted. An employee will not be considered to have returned to work unless the employee works for at least 30 calendar days. After twelve (12) weeks of medical leave, an employee may be eligible for continuation of health coverage at the employee's own expense under the federal law known as COBRA. An employee will not receive pay for any holidays, which occur during any portion of FML, leave which is unpaid (either because no paid leave is substituted for the unpaid leave or because all paid leave has been exhausted).

During any period of FML, employees will continue to be covered under any life and disability insurance programs provided by the County (if any) at the same level and under the same conditions for which coverage would have been provided if they had continued in employment continuously for the duration of such leave.

Return to Work. Employees on FML must inform their department head and/or supervisor, and Human Resources of their intent to return to work a week prior to the expiration of their approved leave. Employees returning from FML must be able to assume all the essential functions of their jobs upon return, subject to compliance with all state and federal laws. As a condition to restoring an employee whose leave was based on the employee's own serious health condition, the employee must provide, at the employee's cost, a fitness-for-duty certification from the employee's health care provider stating that the employee is able to resume work. A fitness-for-duty certification will not be required from employees returning from intermittent leave.

- j. Restoration to Position. At the end of his/her leave, an employee shall be restored to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Certain key employees (as defined by the Family and Medical Leave Act) may be denied reinstatement if it is necessary to fill the position while the key employee is on leave to prevent substantial and grievous economic injury to the County.
- k. Failure to Return from Leave. Unless required otherwise by law, an employee granted a leave of absence under these provisions, or any other leave provision, who fails to return to work upon expiration of the leave granted, shall be classified as "voluntarily terminated." If an employee is unable to return to work following his or her FML because of the continuation, recurrence, or onset of the employee's or family member's serious health

condition, the County may require a medical certification of the condition which must be provided by the employee, at his or her own cost, within thirty (30) days.

1. Any employee, who while on leave of absence, accepts employment elsewhere in a manner which conflicts with the employee's need for a leave from the County, will be terminated as of the last day worked. In addition, if an employee uses a leave of absence for any reason other than what has been requested, the employee will be terminated as of the last day worked.

4.5 Employee Insurance. Medical insurance is available for full-time employees and is paid partially by the County and partially by the employee. A full-time employee shall become eligible to apply for medical insurance when hired, effective the first day of the month following thirty (30) days of employment. All full-time employees and their eligible dependents are subject to any standards, policies, or restrictions set forth in any medical insurance program or medical contract, including a self-insurance program, approved by the Commissioners. Payment of the employee portion of the insurance premium shall be made by payroll deduction except during the period an employee is on a leave without pay in which circumstance the employee should make arrangements for payment of the employee portion of the premium by contacting Human Resources.

Medical insurance is also available to elected officials, public defenders, deputy prosecutors, park board members, and county attorney subject to all eligibility requirements of the insurance coverage. The County shall pay the employer portion of the premium and the part of the premium for which the individual is liable shall be deducted through the County payroll.

Township Trustees and the employees of their offices are eligible for inclusion on the County health insurance subject to all requirements of the insurance coverage. However, the Township must pay the entire premium for such insurance.

In addition, the full-time employees that are eligible for Medical insurance have the option to elect Dental, Vision, and term Life Insurance.

4.6 Public Employees' Retirement Fund (PERF)

- a. All full-time County employees are covered by a retirement program, Public Employees' Retirement Fund.
- b. Membership in the plan is paid for by the County.

A retirement program is never a simple matter and many questions may arise concerning eligibility, contributions and retirement options. If there are questions concerning the program, they should be directed to:

Public Employees' Retirement Fund of Indiana
Suite 800 Harrison Building
143 West Market Street
Indianapolis, Indiana 46204

Questions regarding PERF eligibility should be addressed to the PERF office at (317) 233-4162.

4.7 Deferred Compensation Plans. The County provides an opportunity for employees to participate in a long-term savings plan. Plan participation is voluntary. We have two programs to choose from which allow employees to transfer pre-tax earnings from their current salary to an account to enhance their financial security and increase their income.

IRS regulations do not permit withdrawals from this account until the employee retires, is terminated from employment, or suffers a certain unforeseeable financial emergency. Contact information is listed below.

Plan 1.

HOOSIER START

150 West Market Street Suite 603

Indianapolis, IN 46204

1-877-848-5838

www.hoosierstart.com

Account Executive – Sharri Condon

@ Great-West Retirement Services

(877) 728-6738 Option 2

Sharri Condon's cell # (317) 874-8923

Plan 2.

AIG Retirement

(317) 818-5900 or 1-888-568-2542

Financial Advisor – Robert Monaghan

(317) 446-0422

Financial Advisor – Justin Copp III

Cell # (812) 243-9870

General Financial Assistance 1-800-448-2542

4.8 Employee Life Option. Boston Mutual Life Insurance offers to employees newly hired (or new hires) once a year an opportunity to purchase whole life insurance.

Contact – Lee Hauser

(317) 716-8808

Hauser & Associates Insurance Services

1-800-644-2258

4.9 **Supplemental Insurance.** AFLAC can provide insurance coverage that traditional medical and/or protection plans may leave off. Employees may purchase such coverage through AFLAC if they so desire:

- Personal Disability Income Plan
- Personal Cancer Indemnity Plan
- Personal Accident Indemnity Plan
- Personal Hospital Intensive Care Insurance
- Personal Sickness Indemnity Plan
- Personal Recovery Plus
- Life Insurance – term policy and/or whole life

For more information on types of coverage available and costs, employees must call the following agent.

Contact - Betty Richardson
(812) 466-3240

4.10 **Unemployment Compensation.** The unemployment compensation program administered through the Indiana Department of Workforce Development covers eligible Vigo County employees. Generally, this compensation is available to those who are terminated from full-time and some part-time County employment through no fault of their own (layoff, manpower cutbacks, etc.) and is actively seeking employment elsewhere. Eligibility is determined by the Department of Workforce Development on a case by case basis and an application must be made with one of the Department of Workforce Development offices before eligibility may be determined and benefits may be collected.

4.11 **Worker's Compensation Insurance.** All employees are covered by Worker's Compensation Insurance as required by law. The employee has the responsibility of reporting to his/her department head and/or supervisor, any accident or injury, which occurs while working. Failure to immediately report a workplace injury or illness may result in denial of coverage. An accident report must be completed and returned to the department head and/or supervisor. The department head and/or supervisor must submit the accident report to Human Resources to commence the process for application for Worker's Compensation benefits.

4.12 **Funeral/Bereavement Leave.** The purpose of funeral leave is to provide an employee with time to attend the funeral of a family member and to handle personal affairs related to the death of a family member. Funeral leave shall be granted to full-time/part-time or temporary/seasonal employees and must be arranged with the employee's department head and/or supervisor. A full-time employee may be granted up to three (3) working days with pay in the event of a death of an immediate family member. A part-time or temporary/seasonal employee may be granted up to three (3) working days without pay in the event of a death of an immediate family member.

Definition: An immediate family member means the employee's spouse, a father or

father-in-law, mother or mother-in-law, child or stepchild, brother or brother-in-law, sister or sister-in-law, grandmother or grandfather, grandchild, aunt or uncle, niece or nephew.

The employee's department head and/or supervisor may ask the employee to supply the name and relationship of the deceased and the name of the funeral home that handles the arrangements.

Arrangements for time off must be made with the employee's responsible elected official, department head and/or supervisor concerning the attendance of a funeral for other relatives and such time off will be charged to vacation leave, personal days, or time off without pay.

4.13 **Civil Duty/Jury Duty**. County employees who have been subpoenaed for jury duty or as witnesses will be paid the difference between their regular wages and the money received from jury or witness duty. The employee shall notify his/her department head and/or supervisor within twenty-four (24) hours after receipt of notice to attend. Upon return to work, the employee must furnish a written statement from the appropriate public official showing the date and time served, and the amount of pay received. In cases where the employee has brought action against the County, time is not compensable.

4.14 **Military Leave**. Military reservist employees and those volunteering for or called to active military duty are entitled to reemployment with the County upon return from duty in full compliance with all applicable state and federal laws.

The employee must provide advanced notice and copies of his/her written orders for duty or training, unless impossible or impracticable to do so due to emergency, to his/her department head and/or supervisor for copying and filing in the employee's personnel file.

4.15 **Unauthorized Leave**. The absence of an employee from work, including any absence of a single day, which is not authorized in accordance with the policies contained in the Handbook, shall be deemed an unauthorized absence. Any such absence shall be without pay and may result in disciplinary action including but not limited to termination of employment. Any employee who is absent for three (3) consecutive scheduled days without authorization shall be deemed to have resigned without notice.

4.16 **Abuse of Leave**. Abuse of sick leave or any other leave privilege is grounds for disciplinary action including but not limited to suspension with or without pay, financial penalty, or dismissal at the discretion of the Commissioners with or without the recommendation of the employee's department head and/or supervisor.

4.17 **Temporary and Occupation Leave**. The department head and/or supervisor with the approval of the Commissioners may approve temporary leaves and/or occupation leaves with pay to permit employees to attend conventions, short training sessions or to

observe operations in other governmental units when such attendance and/or observation is deemed beneficial to the County.

V.

COMPENSATION

5.1 **Hours of Work**. The seven (7) day workweek for County employees commences at 12:01 a.m. on Tuesday and ends at 12:00 midnight on Monday. The normal hours for full-time employees covered by this Handbook consists of thirty-five (35) hours worked in five (5) consecutively scheduled eight (8) hours days, with one (1) hour for lunch each day. However, each responsible Elected Official, department head, and/or supervisor will establish the work hours of the employees within a department or office to accommodate the needs of that office or department. Each employee must perform the county's work a minimum of seven (7) hours each day, exclusive of authorized breaks.

Lunch periods will be (1) hour in length and shall be taken during the scheduled work hours as permitted by the department head and/or supervisor so as not to be disruptive to the operations of the office or department. Except as otherwise agreed between the responsible Elected Official, department head and/or supervisor and the employee because of the requirements of the employee's position, each employee shall be relieved of all duties and be free to leave his/her post during his/her lunch period. Lunch periods may not be worked in lieu of shortened workdays. Two 15-minute break periods are allowed, provided that only one is used per half day, before and after lunch periods. Break periods are not to be used for late arrivals, extended lunch or for early dismissals, and are to be taken in a manner that is permitted by the responsible Elected Official, department head and/or supervisor so as not to be disruptive to the needs of the County and/or department/work area. During the breaks, employees may exit the building or other work area.

5.2 **Paydays**. County employees are paid every other Friday (subject to change). Each paycheck represents compensation for two (2) workweeks of pay.

5.3 **Pay Plan**. The compensation of County employees is based on the duties and responsibilities of the various positions. Each responsible Elected Official, department head and/or supervisor shall prepare and maintain current a list of positions within the office or department, the essential functions of each of those positions and the salary range applicable to each of those positions.

For hiring and transfer purposes, the salary ranges should be applied as follows:

- a. Those employees being hired or transferred into a position who have relatively little or no background experience shall be hired in no less than the minimum range.

- b. Those employees being hired or transferred into a position who have prior experience may be hired at a rate above the minimum with approval of county council.

The Vigo County Council as a part of the budget process establishes salaries.

5.4 Regular Pay Procedures. Under the Fair Labor Standards Act (FLSA), a federal statute passed by the U.S. Congress and enforced by the U.S. Department of Labor, the County must keep accurate records of all actual hours worked by its employees.

Responsible Elected Officials, department heads and/or supervisors must turn in actual hours to the Payroll Department on a pay period basis including the notation for vacation, sick, personal, compensation, or unpaid time.

County employees are paid by check bi-weekly on Friday (subject to change). All required deductions for federal, state, and local taxes, and all authorized voluntary deductions, such as health insurance contributions, will be withheld automatically from the paycheck. Employees are responsible for review of their paycheck for errors. If a mistake is identified, it should be reported to the responsible Elected Official, department head and/or supervisor immediately. The responsible Elected Official, department head and/or supervisor will take the steps necessary to correct any error.

In the event a paycheck is lost or stolen, the responsible Elected Official, department head and/or supervisor should be notified immediately. The County is not responsible for stolen or lost paychecks, but the County will attempt to issue a stop payment on any lost or stolen check. If the County is able to complete the stop payment order, another paycheck will then be issued after 30 days from the date of the stop payment.

5.5 Calculation of Accrued Leave. Each department head and/or supervisor shall be responsible for the attendance of all employees in his/her department or office and shall keep complete attendance records. Records of attendance shall be reported to the payroll department of the Auditor's office every pay period and every quarter to Human Resources for the centralized files. The payroll section of the Auditor's office will maintain the official calculation of the accrued leave time for each employee. Vacation or other accrued leave shall be computed in units of days or hours depending on the type of calculation.

5.6 Overtime and Documentation. All documented overtime is to be paid in the pay period it is earned. For determination of overtime compensation, employees are defined as exempt or non-exempt employees under the Fair Labor Standards Act (FLSA). NOTE: Overtime under the FLSA is defined as time worked in excess of eighty (80) hours in a bi-weekly schedule. County employees are regularly scheduled for seventy (70) hours in a fourteen (14) day bi-weekly schedule. No overtime payment is required unless a non-exempt employee works in excess of forty (40) hours during the workweek or unless payment is required or authorized by salary ordinance from county council.

- a. Exempt employee is one who meets the test for the executive, administrative, professional or other exemption under the FLSA and is not covered by the overtime requirements of the FLSA.

According to the U.S. Department of Labor, Indianapolis Office, the position of Chief Deputy is considered exempt by the guidelines set under the Fair Labor Standards Act and is not entitled to overtime pay.

- b. Non-exempt employee is one who is covered by the overtime requirements of the FLSA.
- c. Exempt employees are not eligible for compensatory time or overtime pay, unless special circumstances warrant an exception. Such exception must be approved by the responsible Elected Official before the time is worked, must be documented and designated as compensatory time. Circumstances which could warrant an exception occur when the hours worked are to complete unusual or unusually demanding tasks and must follow the guidelines set forth by FLSA.
- d. Non-exempt employees shall be paid at their regular rate of pay for the first eighty (80) hours worked in a bi-weekly schedule and at one and one-half times (1 1/2) their regular hourly rate of pay for all hours worked in excess of eighty (80) hours during a bi-weekly schedule. Any such overtime must be approved by responsible Elected Official before it is worked unless otherwise set by salary ordinances. Any non-exempt employee working more than eighty (80) hours in a bi-weekly schedule without the prior approval shall be terminated.
- e. Compensatory time in lieu of monetary overtime may be given for hours in excess of eighty (80) hours worked by a non-exempt employee if the employee has signed a Compensatory Time Off Agreement with the County prior to working time for which compensatory time is being requested. Compensatory time must be used within thirty (30) working days.

Paid holidays and/or accrued leave time are not to be used in the calculation of compensatory time.

- f. Complete and accurate records of actual hours worked for all non-exempt employees must be maintained. Such records of actual hours worked shall be maintained by the responsible Elected Official or by the employee and verified by the designated responsible Elected Official. No overtime may be paid as compensatory time off or as additional wages unless the overtime is supported by such documentation.

“Hours worked” means time actually spent on the job. It does not include hours away from work due to vacation, sickness, or holiday (even when these days are compensated). Unpaid sick leave, personal leave (or any other time away from work) is also not

considered hours worked).

5.7 Outside Employment. The primary work obligation of a full-time employee is to the County. A full-time employee may engage in outside employment only if outside employment does not:

1. Constitute a Conflict of Interest.
2. Occur at a time when the employee is expected to perform his/her assigned duties.
3. Diminish the employee's efficiency in performing his/her primary work obligation.

All employees are required to disclose immediately to their department heads and/or supervisors any outside employment that may conflict or have the appearance of a conflict with their regular employment and complete the requirements of state statute IC35-44-1-3.

Outside employment is prohibited while an employee is on Family Medical Leave.

In addition, the use of County equipment or performing work in County Facilities in connection with outside employment is banned.

5.8 Ghost employment. To comply with Indiana law, no employee is to receive a salary or wages for work not performed in the exercise of their duties for the County. It is also unlawful for the employee to accept salary or wages for work not performed.

Indiana law makes it a criminal and civil law offense for the County to employ and pay a person when that person is not performing duties related to the operation of the County.

5.9 Weather Emergencies. If the County offices are closed by order of the Commissioners, full-time employees will receive their regular daily salary or wage for that day. If a part-time employee is scheduled to work the day the Commissioners have closed the County offices, his/her hours shall be rescheduled.

Employees of those departments or offices which must provide services during weather emergencies will be expected to report for duty even when the County offices are closed by order of the Commissioners. In such circumstances, non-exempt employees shall be paid the regular rate of pay for all hours up to and including forty (40) hours during the workweek and time and a half for all hours in excess of forty (40) during the workweek.

The provisions of this policy shall apply to employees on sick leave or any other leave approved prior to the Commissioners' decision to close County offices.

Meaning: Employees who were not at work at the time of the closing because they were already using approved sick, vacation, or personal day and/or leave time will be paid according to policy and attendance/service records will be adjusted to show no penalty for the approved day and/or leave.

5.10 Employee Travel; Reimbursement. Travel performed by duly authorized County employees using a personally owned vehicle in the course of official duties shall be reimbursed per mile at the rate approved by the county council (except where state or local statutes provide otherwise). Mileage claims must contain the “to” and “from” destinations, the reason for the business, and the odometer reading. Personal vehicle mileage will not be paid when a County owned vehicle has been issued to an individual or department. Except in the case of a County official who has travel expenses within his/her department budget, a County employee or official seeking County funds or reimbursement of expenses used for travel (such as lodging, transportation, meals, tuition, registration fees) must seek and obtain approval in writing from his/her department head and/or supervisor as well as the Commissioners, in advance. Upon approval, reimbursement may include the following, if travel includes an overnight stay and if the travel is 50 miles or more from the location of the employee’s normal working area or department:

An employee has the choice of a per diem of \$26 per day in a 24-hour increment or may submit original receipts for meals, but not exceed \$26 per day.

- a. Transportation costs attendant to travel, including toll charges, taxi fare, parking.
- b. Reasonable hotel bills, meals, and related expenses during the course of official duties.
- c. Although travel in County vehicles will not be reimbursed on a mileage basis, out of County purchases of gasoline, oil, emergency repair or part replacement, may be reimbursed at actual cost.
- d. All mileage and reimbursement claims shall be submitted on approval forms furnished by the County Auditor. Copies of receipts must support claims.

5.11 Credit Cards. The County Commissioners are designated as being responsible for the issuance of credit cards. A credit card shall not be used by an employee of the County except for the purpose of goods and/or services for the official business of the County.

County credit cards should list the County name first followed by the department name and/or employee name.

An employee using a credit card issued through the County Commissioners shall submit to the claim section of the Auditor’s office documentation detailing the goods and/or services, the date of purchase, and the official business for which purchased. Copies of

receipts must support claims.

In compliance with the State Board of Accounts requirements, when submitting a claim, an itemized receipt must be attached. Personal items should be purchased separately.

Employees need to submit claims and original monthly statements to the Auditor's office in a timely manner. Each employee should allow for processing time and mailing time. Any penalties, interest, or other charges are the responsibility of the employee.

An employee who is issued a credit card is responsible for its protection and custody, and shall immediately report if a credit card is lost or stolen.

An employee who is issued a credit card shall return the credit card to one of the following: the County Commissioners, Human Resources or their department head and/or supervisor immediately upon the termination of his or her employment with the County, or should a change in the demands for a particular position necessitate a change in credit card assignment.

The following is prohibited with the use of a County credit card:

1. Purchases for any purpose other than County official business.
2. The use of a County credit card for cash advances.
3. The use of a County credit card, in the conduct of the County business, which violates any federal, state, county law, rule, ordinance or policy.
4. Under no circumstances may a County credit card be used for personal use. Any employee using a County credit card for personal use shall be disciplined appropriately, up to and including discharge and prosecution.

VI.

CONDITIONS OF EMPLOYMENT AND EMPLOYEE CONDUCT

6.1 **Attendance/Absences.** Employees are expected to report to work on time, if applicable with all necessary equipment, and properly attired to conduct assigned work. Employees are expected to devote full attention to their duties for the entire work period except during the lunch period and the (2) 15-minute breaks. Employees who are unable to report to work as scheduled should contact their department head and/or supervisor before the start of the work period, and in any event, no later than 15 minutes of the start of the day on which the employee is scheduled to work. If an employee must leave the work area during work hours, prior authorization should be obtained from the department head and/or supervisor.

Absences from work or tardiness in reporting to work will seriously impair the value of the employee's service to the County and can cause hardship for the department and other employees.

Absences that are frequent, patterned, excessive or unexplained absences from work, and/or tardiness in reporting to work may result in disciplinary action, up to including termination of employment.

Absence is defined as failure to report for and/or remain at work performing assigned duties during the scheduled period, and includes all time lost from the job whether excused or unexcused, except for authorized use of accrued leave or leave permitted by policy or law including, but not limited to, jury duty, military leave, family and medical leave, the Americans with Disabilities Act and leave for death of an immediate family member.

Furthermore, absences in excess of those allowed as sick days, personal days, vacation days or legally protected leave will have to be in writing and must be approved in advance by the department head and/or supervisor.

Unpaid absences taken without prior approval for less than 2 days will result in a disciplinary written warning and for 3 days or more will result in termination.

Sick days should follow the criteria set under section 4.3-i and not be abused as listed in section 4.3-j.

6.2 Ethics of Public Employment. The proper operation of democratic government requires that actions of public officials and public employees be impartial; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Recognition of these goals establishes a Code of Ethics for all officials and employees elected, appointed or employed by the County.

- a. A person acting on behalf of the County who knowingly or intentionally has a pecuniary interest in or derives a profit from a business transaction in which he/she acts on behalf of the County has a conflict of interest. A person has a pecuniary interest in a business transaction if the transaction will result or is intended to result in an ascertainable increase in the income or net worth of:
 1. The person acting on behalf of the County; of a dependent or the spouse of the person acting on behalf of the County; or the child, stepchild or adopted child of the person acting on behalf of the County who is unemancipated and less than eighteen (18) years of age; or
 2. A person who is under the direct or indirect administrative control of the person

- acting on behalf of the County; or
3. A dependent of a person who is under the direct or indirect administrative control of the person acting on behalf of the County.
- b. Actions which create a conflict of interest include, but are not limited to, the following:
1. Outside Interest.
 - a. To hold, directly or indirectly, a position or a material financial interest in any outside concern from which the County secures goods or services (including the services of buying or selling stocks, bonds, or other securities), or which provides services competitive with the County.
 - b. To compete, directly or indirectly, with the County in the purchase or sale or property or property rights, interests, goods, or services.
 2. Outside Activities. To render directive, managerial, or consultative services to any outside concern which contracts with or provides goods or services to the County, or is in competition with the County for providing services.
 3. Gifts, Gratuities, and Entertainment. To accept gifts, excessive entertainment, or other favors from any outside concern, which does, or is seeking to do, business with, or is a competitor of the County under circumstances from which it might be inferred that such action was intended to influence, or possibly would influence, the individual in the performance of his/her duties. This does not include the acceptance of items of nominal or minor value that are clearly tokens of respect or friendship and not related to any particular transaction or activity of the County.
 4. Inside Information. To disclose or use information relating to the business of the County, for the personal profit or advantage of the individual or his immediate family.
 5. To represent private interest in any action or proceeding against the interest of the County in any matter in which the County is a party.
- c. The disclosure of all interests that do or could constitute a conflict of interest shall be in writing on a form proscribed by State Board of Accounts in Accordance with IC 35-44-1-3.
- d. Full disclosure of any situation in doubt should be made so as to permit an impartial and objective determination. It should be particularly noted that disclosure relates not only to employees but also to members of the employee's immediate family.

- e. The disclosure of interest form shall be maintained in the County file to verify the disclosure. However, if a conflict of interest occurs in pursuing the business of the County, the person with the conflict should reveal such conflict to the department head and/or supervisor and refrain from acting with regard to that particular transaction.

6.3 Political Activity. Employees may voluntarily participate in political activities of their choice and freely express their views as a citizen. Employees may not use their official position for coercion of other employees for political purposes. In addition, political work especially for the purpose of a specific campaign must not be conducted during County time including the display of campaign material or clothing in County buildings. If an employee has any question concerning political activity, he/she should consult the Commissioners and/or the County Attorney for an opinion.

6.4 Confidentiality. County Government serves the public interest and the public has a right to know certain information of the County. Information designated as confidential or not covered by the access to Public Records Law is to be discussed with no one outside the department and only discussed on a “need to know” basis. Employees are prohibited from attempting to obtain confidential information for which they have not received access authorization from the responsible Elected Official.

All information contained on the County computer system and files is confidential. No employee has the right to gain access to computer or file information without a specified authorized need or request. Any employee, who uses computer information or files for his or her own personal purposes rather than business, will be subject to discipline up to and including discharge.

Inquiries from the media and the general public and other inquiries of general nature must be referred to your department head and/or supervisor, Human Resources, the County Commissioners or responsible Elected Official immediately. Unless expressly authorized, County employees are not permitted to make statements to media representatives on behalf of the County or their agency/department. This provision does not forbid an employee from commenting as a citizen on a matter of public concern.

6.5 Solicitation. In the interest of maintaining a proper work environment and preventing interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions or solicit for any cause during work time. Violation of this provision may result in disciplinary action up to and including discharge.

6.6 Use of County Property/Equipment. Except as otherwise provided, no County employee shall use or allow being used any County property such as equipment, telephones, cell phones, beepers, mailing privileges, pagers, material, computers etc., for anything other than County business. All real and personal property, including office furniture and supplies, is and remain the property of the County, and County officials

shall have access to all property at the time. Unauthorized or abusive use of property and/or equipment is prohibited. No employee should have or leave any personal items on or in County property, which the employee would not want other employees or County officials to see.

All equipment, keys, and other property of the County must be returned on the last day of employment, or sooner if requested.

6.7 Personal Mail, and Personal Telephone and/or Cell Phone Calls. Receipt of personal mail in County offices is inappropriate and discouraged.

Personal use of County telephones including cell phones is discouraged. Employees are permitted to use County telephones in the event of emergency or similar circumstances. The use of County telephones and resources for personal long-distance calls is prohibited. All long-distance telephone calls for official business must be submitted through regular channels for payment.

6.8 Cellular Telephones. The purchase of all County cellular telephones must follow the procedures promulgated by the County Commissioners and applicable to state and federal laws.

When opening an account, each cellular phone should be in the County's name rather than the employee. Through the Auditor's office, a sales tax form and a federal excise tax form must be filled out.

The acquisition of County cellular telephones shall be limited to those instances where it is demonstrated that there is a need for such equipment in order to perform essential County business to improve safety, increase productivity, increase service to the public or in those limited situations where it is necessary to communicate by such means where it cannot be done by any other means to be effective.

Equipment will be assigned on the basis of the requirements of the position for which such County cellular telephone is being requested, and should not be construed as additional compensation or a fringe benefit, but rather a necessity of the job.

Service and Maintenance of County cellular telephones:

1. Repairs. All County Cellular telephones will be repaired under maintenance contract or serviced by the vendor selected under governing laws and regulations.
2. Replacement.
 - A. Replacement of any County cellular telephone is the responsibility of the department to which the equipment was officially assigned, if the employee assigned such telephone was not negligent.

- B. If the County cellular telephone is damaged or lost as a direct result of the negligence of the employee assigned such telephone, then in such event that employee shall be responsible to the County for the cost of the telephone repairs or replacement costs.
- 3. Return/Transfer of Equipment. When a County employee transfers to another department, terminates employment with the County, or is no longer required to be assigned a County cellular telephone, it is the responsibility of the respective department head and/or supervisor to retrieve the County cellular telephone assigned to the affected employee.
- 4. Theft, Lost or Damaged.
 - A. Employees shall be required to report any lost, stolen or damaged County cellular telephone to their department head and/or supervisor immediately.
 - B. Upon such notice, the department head and/or supervisor shall have such cellular telephone deactivated.

The following is prohibited with the use of County cellular telephones:

- 1. The operation of a County cellular telephone for any illegal act.
- 2. The operation of a County cellular telephone, in the conduct of County business, in violation of any applicable federal, state, or local law, rule or ordinance.
- 3. The operation of a County cellular telephone in such a manner or in such a location that could result in bodily damage either to the County, the employee, the department head and/or supervisor, or to the public due to the carelessness or negligence on the part of the employee.
- 4. A County cellular telephone shall never be loaned to an unauthorized user.

Any employee found in violation of these regulations shall be disciplined appropriately, up to and including discharge and prosecution.

6.9 E-mail and Electronic Communication. The County has established the following policy that governs the use at work of internet/intranet systems, electronic mail systems, including the telephone communication systems. Employee understands and acknowledges that he/she has absolutely no expectation of privacy when using the County's communication systems.

All electronic and telephone communication systems are to be used primarily for business purposes, meaning that use of such equipment and systems should be job-related.

Emails and voice-mail messages reflect the County image. They should be composed in a professional manner that is similar to messages sent on County letterhead. Employees should keep in mind that electronic files are subject to discovery. Therefore, it is expected that employee statements in electronic messages and files will be professional, courteous, and will reflect favorably on the County and on the employee.

In addition to the system hardware and software, all electronic files and electronic messages are the property of the County, whether composed, received, or sent by the employee. E-mail messages and other electronic files constitute business records belonging to the County.

Because all messages are the property of the County, employees should not expect that messages are private. In addition, employees should be aware that deleted files might be retrieved and read by the County. The County reserves the rights to retrieve, monitor, or review any messages for any purpose without notice to the employee and without seeking permission of the employee. Passwords must be disclosed upon request.

Employees may not use E-mail or voice mail systems to solicit for charitable or commercial ventures, or in any way that violates the County's no solicitation policy (see section 6.5 Solicitation).

Receiving or downloading, or sending or uploading of proprietary information is prohibited without prior authorization. Such information includes copyrighted materials, trade secrets, proprietary financial information, or similar materials.

Employees must receive permission from their department head and/or supervisor before posting messages to electronic bulletin boards, list-serves or similar public postings forums on the Internet. When posted, such messages must contain a disclaimer at the end of the message that: "The opinions expressed in this message are mine only, and do not reflect the opinion or position of my employer."

Employees who violate this policy are subject to discipline, up to and including termination of employment.

In addition, The County IT Department has requirements designed to help protect services. The following is the guidelines that are requested of each employee:

Acceptable Use Policy (AUP) for Vigo County Government Internet and Email

This Acceptable Use Policy specifies actions prohibited by Vigo County Government IT Department (Vigo County Government), by its Employees and or appropriate parties of the Vigo County Government Network. Vigo County Government and the Vigo County IT Department, reserve the right to suspend or cease the service to employees and or users found to be in violation of this policy or applicable law, pursuant to 17 U.S.C. § 512(i), and to modify the Policy at any time, effective upon posting of the modified Policy to the Vigo County Government website located at: www.vigocounty.org.

Disclaimer of certain damages Neither Vigo County Government, Vigo County IT Department, nor Employees of the Vigo County Government, shall be liable to the other for any indirect, consequential, exemplary, special, incidental or punitive damages, including without limitation loss of use or lost business, revenue, profits, or goodwill, arising in connection with this agreement, under any theory of tort, contract, indemnity, warranty, strict liability or negligence, even if the party knew or should have known of the possibility of such damages.

Illegal use Use of the Internet by employees of Vigo County Government, is permitted and encouraged where such use supports the goals and objectives of the job. The Vigo County Government Network may be used only for lawful purposes. Transmission, distribution, uploading, posting or storage of any material in violation of any applicable law or regulation is prohibited. By using the Vigo County Government network you automatically agree to the terms outlined but not limited to, what is covered in this, the Vigo County Government Acceptable Use Policy. Failure to follow said applied rules and regulations can and in most cases will result in disciplinary actions.

This includes, without limitation, material protected by copyright, trademark, trade secret or other intellectual property right used without proper authorization, and material that is obscene, defamatory, libelous, unlawful, harassing, abusive, threatening, harmful, vulgar, constitutes an illegal threat, visiting Internet sites that contain obscene, hateful or pornographic material; using the computer to perpetrate any form of fraud, or software or music piracy; using the Internet to send offensive or harassing material to other users; downloading commercial software or any copyrighted materials belonging to third parties, unless this download is covered or permitted under a commercial agreement or other such license; hacking into unauthorized areas; creating or transmitting defamatory material; undertaking deliberate activities that waste staff effort or networked resources; introducing any form of computer virus into the corporate network which violates export control laws, hate propaganda, fraudulent material or fraudulent activity, invasion of privacy or publicity rights, profane, indecent or otherwise objectionable material of any kind or nature.

You may not transmit, distribute, or store material that contains a virus, "Trojan Horse," corrupted data, or any software or information to promote or utilize software or any of Vigo County Government and the Vigo County Government IT Department service to deliver unsolicited e-mail. You further agree not to transmit any material that encourages conduct that could constitute a criminal offense, gives rise to civil liability or otherwise violates any applicable local, state, national or international law or regulation, while using the Vigo County Government and Vigo County IT Department services in a manner that interferes with the use of the Vigo County Government network is prohibited.

You acknowledge and agree that it is a violation of this AUP for your services to cause an interruption or degradation of, interference with, or disproportionate burden on the operations of Vigo County Government and Vigo County IT Department, systems or the services of other employees, regardless of whether such interruption, degradation, interference or burden is the result of your actions or those of a third party over which you have no control.

Users may have access through the Vigo County Network and services to search engines, third party email Providers, subscription Web services, chat areas, bulletin boards, Web pages, USENET, or other services that promulgate rules, guidelines or agreements to govern their use. Users must adhere to any such rules, guidelines, or agreements provided by such services, and that of the Vigo County Government. Failure to adhere to the guidelines and acceptable use of said outside services, and the Vigo County AUP, will result in actions taken on behalf of third party and the Vigo County Government.

You may access and use our services for lawful purposes only and you are solely responsible for the knowledge and adherence to any and all laws, statutes, rules and regulations pertaining to your use of our services. You agree that you will not (i) use the services to commit a criminal offense or to encourage conduct that would constitute a criminal offense or give rise to a civil liability, or otherwise violate any local, state, Federal or international law or regulation; (ii) upload or otherwise transmit any content that

you do not have a right to transmit under any law or contractual or fiduciary duty; (iii) interfere or infringe with any trademark or proprietary rights of any other party; (iv) interfere with the ability of other users to access or use our services; (v) claim a relationship with or to speak for any individual, business, association, institution or other organization for which you are not authorized to claim such a relationship; (vi) interfere with or disrupt the service or servers or networks connected to the service, or disobey any requirements, procedures, policies or regulations of networks connected to the service; or (vii) reproduce, duplicate, copy, use, distribute, sell, resell or otherwise exploit for any commercial purposes any portion of the services.

A quick guideline of unacceptable usage of Vigo County Government resources, however not limited to:

- *Furthering any political or religious purpose*
- *Engaging in any commercial or fundraising purpose (exempt are county/government related functions or those that have been approved prior)*
- *Sending threatening or harassing messages*
- *Gaining unauthorized access to computer or telecommunications networks*
- *Interfering with the operations of technology resources, including placing a computer virus on any computer system*
- *Accessing or sharing sexually explicit, obscene, or otherwise in appropriate materials*
- *Intercepting communications intended for other persons*
- *Attempting to gain unauthorized access to any machine on the Vigo County Government Network*
- *Logging in through another person's account or attempting to access another user's password of files (unless approved prior by the appropriate department head and/or supervisor or Vigo County IT)*
- *Sending defamatory or libelous material concerning a person or group of people*
- *Furthering any illegal act, including infringing on any intellectual property rights*
- *Downloading, uploading, or distributing any files, software, or other material that is not specifically related to the work or services of said user's department of Vigo County Government IT Department and accordingly if decided upon, has the right to and will remove any data, applications or downloads it feels interferes with or is not directly related to an area of said user/departments, needs, or work, or is interfering with network resources and/or other users abilities to work*
- *Downloading, uploading, or distributing any files, software, or other material in violation of federal copyright laws and thereby and violation of this agreement*

System and network security *Violations of system or network security are prohibited, and may result in criminal and civil liability. Vigo County Government and the Vigo County Government IT Department will investigate incidents involving such violations and will cooperate with law enforcement if a criminal violation is suspected. Examples of system or network security violations include, without limitation, the following: running servers including but not limited to HTTP, mail, file-sharing (including but not limited to both server-client based applications and peer-to-peer applications) and FTP, unless approved by appropriate parties of the Vigo County Government and the Vigo County Government IT Department.*

Email *A user shall not use another site's mail server to relay mail without the express permission of the site. Sending Unsolicited Bulk Email ("UBE", "spam"). The sending of any form of Unsolicited Bulk Email through Vigo County Government IT Department servers is prohibited. Likewise, the sending of UBE from another service provider advertising a web site, email address or utilizing any resource hosted on Vigo County Government and Vigo County Government IT Department servers, is prohibited. Vigo County Government accounts or services may not be used to solicit customers from, or collect replies to, messages sent from another Internet Service Provider where those messages violate this Policy or that of the other provider. Running Unconfirmed Mailing Lists, subscribing email addresses to any mailing list without the express and verifiable permission of the email address owner is prohibited. Purchasing lists of email addresses from 3rd parties for mailing to or from any Vigo County Government-hosted domain, or referencing any Vigo County Government account, is prohibited.*

Personal use of e-mail is a privilege, not a right. Abuse of the privilege may result in appropriate disciplinary action. Employees need to keep in mind that all e-mail is recorded and stored along with the source and destination. Management has the ability and right to view employees' e-mail. Recorded e-mail messages are the property of the agency and therefore the taxpayers of Vigo County. Thus, they are subject to the requirements of the Indiana Public Records Act and the laws applicable to County and State records retention. Employees should be aware that when sending an e-mail message of a personal nature, there is always the danger of the employees' words being interpreted as official agency policy or opinion. Therefore, when an employee sends a personal e-mail, especially if the content of the e-mail could be interpreted as an official agency statement, the employee should always provide a disclaimer in the email, identifying it as such.

Personal e-mail should not impede the conduct of local business; only incidental amounts of employee time--time periods comparable to reasonable coffee breaks during the day--should be used to attend to personal matters. Racist, sexist, threatening, or otherwise objectionable language is strictly prohibited. E-mail should not be used for any personal monetary interests or gain. Employees should not subscribe to mailing lists or mail services strictly for personal use. Personal e-mail should not cause the Vigo County Government to incur a direct cost in addition to the general overhead of e-mail.

INDIRECT OR ATTEMPTED VIOLATIONS OF THE POLICY, AND ACTUAL OR ATTEMPTED VIOLATIONS BY A THIRD PARTY ON BEHALF OF A USER/EMPLOYEE OF THE VIGO COUNTY GOVERNMENT, SHALL BE CONSIDERED VIOLATIONS OF THE POLICY BY SUCH EMPLOYEE AND MAY CONSTITUTE LEGAL ACTIONS TAKEN ON BEHALF OF LOCAL, STATE, AND FEDERAL GOVERNMENT.

By signing the Receipt of Employee Handbook page, the employee acknowledges that he/she has read the County E-mail and electronic communication policy and agrees to abide by its terms.

6.10 Drug and/or Alcohol. The unlawful manufacture, distribution, dispensing, possession, or use of illegal drug and alcohol are prohibited on County property and are cause for employee discipline up to and including termination.

In compliance with the Drug-Free Workplace Act of 1988 and as a condition of employment, all employees are required to abide by the County provisions and to notify the Commissioners of any criminal drug statute conviction for a violation occurring on the County's property no later than five days after the conviction.

The County recognizes the serious work-related effects of drug, alcohol consumption and unlawful possession of controlled substances and adopts the following Drug Free Workplace Policy and Procedures.

- a. Policy. Employees are expected to maintain the integrity of County Government, the safety of both County employees and the public, to provide a drug-free workplace and to maintain efficient operations by ensuring employees at work are in appropriate mental health and physical condition. The manufacture, distribution, dispensing, possession, use of a controlled substance or alcohol on County property or while conducting County business off County property is absolutely prohibited. Being under the influence of a controlled substance or alcohol during work hours while performing County business, on or off County property, or while in or on

County equipment including County vehicles is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including immediate termination by the Commissioners or responsible Elected Official with or without the recommendation of the department head and/or supervisor and may have legal consequences.

The County recognizes drug and alcohol dependency as an illness and major health problem. The County also recognizes drug and alcohol abuse as a potential health, safety and security problem. Employees needing help with such problems are encouraged to use their health insurance plans, or to seek help from an outside substance abuse treatment center or program. The County hopes you will make a conscientious effort to seek help if you have a substance abuse problem.

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug or alcohol status. A report of a conviction must be made within five (5) days after the conviction.

b. Procedures:

1. Employee testing.

- (a) The County may require a County employee to undergo drug and/or alcohol testing if a combination of two (2) department heads and/or supervisors have a reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours, or while on County property, or in a County vehicle, or while conducting County business off County property.
- (b) The County reserves the right to implement random testing and if such testing is required by law, or if such testing is permitted by law and the County determines that it is necessary to ensure the safety of both County employees and the public or the integrity of County operations. Random testing will be implemented in a manner consistent with procedures established by any applicable law for such testing.
- (c) Testing may be done when an employee voluntarily agrees to a testing program.
- (d) If reasonable suspicion exists, a department head and/or supervisor may direct the employee to submit himself/herself to an examination, including blood tests, urinalysis, and breathalyzer. The examinations would only be requested in an attempt to determine whether an employee has recently consumed and/or is under the influence of alcohol, intoxicants, or non-prescribed drugs, while performing duties as a County employee. Only when an employee agrees to the examination, would testing be done. The results of the tests will be released to the supervisor and used in any subsequent corrective action to be taken. Under no circumstances shall the employee being tested be required to waive

his/her immunity with respect to the use of the test results or fruits thereof in a criminal prosecution. The results of such a test shall not be used in any subsequent criminal court action without consent of the employee.

2. Refusing an Examination

- (a) In the circumstances where the department heads and/or supervisors have a reasonable suspicion of drug or alcohol use or being under the influence of such substances, the employee must be advised prior to requiring an examination that the refusal to submit to an examination will result in immediate termination. Under no circumstances shall the employee being tested be required to waive his/her immunity with respect to the use of the test results or fruits thereof in a criminal prosecution.
- (b) Those who refuse a random test will be subject to the terms and conditions set out in such requirement of which those employees affected will be given notice.

3. Transporting the Employee Suspected of Alcohol or Drug Use. If it is determined that an employee shall be tested for the presence of drugs or alcohol use, the following procedure should be followed:

- (a) Call the facility of the County's choice. If unknown, contact the Vigo County Commissioners Office at 462-3367.
- (b) Transport the employee to the facility. The employee must be accompanied by two individuals at least one of the same gender.
- (c) Those who transport the employee shall provide the facility with a duplicate of the department heads and/or supervisors completed form, and the Consent to Alcohol/Drug Testing and Release of Information form.
- (d) The employee to be tested shall sign the Consent to Alcohol/Drug Testing and release of Information form and provide proper identification at the facility.
- (e) Those who transport the employee shall remain with the employee during the testing procedure.
- (f) Employee shall return to work after random testing. However, if under suspension, employee will be transported home after the test. Normal pay will apply while employee is waiting for test results.

4. Test Results. The results of the test will be sent to the responsible Elected Official and Human Resources. Test results may be used only for the purpose of determining whether disciplinary action shall be taken.

6.11 Tobacco Free Workplace. In order to provide a healthy environment for County employees and citizens, the County has instituted a tobacco free workplace. This policy prohibits any tobacco use within 50 feet of County buildings or in County vehicles. Violations of this policy will result in discipline up to and including termination.

6.12 Sexual and Other Harassment. It is the County's policy to regard sexual and other harassment as a very serious matter and to prohibit it in the workplace by any person in any form, including harassment based on race, color, sex (with or without sexual conduct), religion, national origin, protected activity (i.e. opposition to prohibited discrimination or participation in the statutory complaint process), age, disability, or any other protected categories. It is the intent of this policy to affirmatively raise the subject of sexual and other harassment, to express strong disapproval against such actions, to identify a complaint procedure whereby employees have the right to raise harassment issues, to establish an investigative procedure for such alleged misconduct, and to provide for an effective and appropriate response to this type of conduct, including sanctions against anyone violating this policy. Also, the County is committed to ensuring that non-employees do not subject employees to harassment. Accordingly, this policy applies to employees, clients/customers, vendors, and others with whom we have a relationship.

Harassment (sexual or otherwise) is a form of misconduct, which undermines the integrity of the employment relationship. Harassment is not only offensive, but it may also harm morale and interfere with our effectiveness and our ability to fulfill our responsibilities to our citizens. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtones and harassment in any form. Sexual harassment for purposes of this policy is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Vigo County is also committed to ensuring that its employees are not subjected to harassment by non-employees.

The County does not condone behavior that may be perceived as sexual harassment. The following are some illustrations of the range of behaviors characteristic of sexual harassment:

- a. Unwanted propositions for sexual favors, particularly when accompanied by threats of retaliation or promises of special consideration
- b. Physical assault
- c. Unwanted propositions or invitations for dates

- d. Sexually explicit statements, questions, jokes, anecdotes, pictures, or graffiti
- e. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation
- f. Offensive gender-based personal remarks including verbal, written, graphic, computer generated, or email communication
- g. Unnecessary touching, patting, hugging, or brushing against a person's body
- h. Patterns of conduct causing the person to feel demeaned or uncomfortable, including remarks of sexual nature about a person's clothing or body, remarks about sexual activity, or speculations about previous sexual experience

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behaviors that are not welcome, are personally offensive, fail to respect the rights of others, lower morale, or interfere with work effectiveness.

Any person employed by the County who believes that he/she has been a victim of some form of sexual or other prohibited harassment should report the incident immediately to a responsible Elected Official, department head and/or supervisor, a Commissioner, Human Resources, or EEO Officer.

Upon receiving a complaint of sexual or other form of harassment, to the extent possible, steps shall be taken to immediately remove the complainant from direct contact with the person accused. A thorough investigation of a complaint will be conducted. To the extent permitted by law, information collected during such an investigation will be considered confidential and will not be disclosed to persons not involved directly in conducting the investigation and determining what action, if any, to take in response to the complaint. No adverse action will be taken against any employee because he/she makes an honest report of an alleged incident of sexual or other harassment.

If the investigation reveals that violation of this policy has occurred, the County will take prompt and effective corrective action, and the alleged offender will be subject to disciplinary action up to and including termination. If the offender is not an employee of the County, the County will take any reasonable measures available to assure cessation of the offensive action of contact with the offending person.

An employee not satisfied with the action(s) taken by the County may file a complaint with the Indiana Civil Rights Commission, Government Center North, 100 N. Senate Avenue, Indianapolis, IN 46204. (800) 628-2909

6.13 Harassment and Workplace Violence Prevention. Harassment is behaviors that are offensive and fail to respect the rights of others. Harassment can be verbal or nonverbal conduct designed to intimidate or coerce. Any employee who engages in harassment will be subject to serious disciplinary action, which may include termination of employment. Examples of harassment include, but are not limited to:

1. Taunting behavior by verbal, written, or electronic communication (e.g., e-mail, voice mail, Internet or paper)
2. Conduct that impairs an individual's ability to perform the job
3. Conduct that creates a stressful, offensive, or uncomfortable work environment not supported by the County
4. Repeated conduct causing a person to feel demeaned, humiliated, or uncomfortable

Threatening Behavior is an expressed or implied threat to interfere with an individual's health, safety, and/or property, or with the property of the County, which causes reasonable apprehension that harm could probably occur. Any employee who engages in threatening behavior will be subject to serious disciplinary action, which may include termination of employment. Examples of threatening behavior include, but are not limited to:

1. Direct or indirect threats of harm
2. Words or gestures (including profanity) which are perceived threatening to others
3. Prolonged or frequent shouting
4. Stalking or following an individual
5. Conduct which causes others to have a perceived fear for their safety

Violent Behavior is the use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person or the property of the County. Violent behavior is so serious that any employee engaging in it can expect termination of employment. Examples of violent behavior include, but are not limited to:

1. Physical assault
2. Unwelcome physical contact

3. Slapping, punching, striking, pushing, or otherwise physical aggressive or attacking behavior toward another person
4. Throwing, punching, or otherwise handling objects in a threatening manner (including weapons)

The County does not condone behavior that may be perceived as harassment, threatening, or violent in nature. Violators of this policy who engage in behaviors that unreasonably interfere with an individual's work performance; create an intimidating, hostile, or offensive work environment; or who create a perception that not engaging in or rejecting certain behaviors is a condition of employment or will be used as a basis for an employment decision will be subject to disciplinary action up to and including termination of employment.

6.14 Weapons, Firearms and Explosives. The County prohibits unauthorized possession, storage, and/or use of dangerous weapons, firearms, or explosives on County property or in a County building or a County vehicle. Exceptions to this policy are employees in a law enforcement role, which will follow specific guidelines of the law enforcement department. Employees are also prohibited from using any objects to harass, intimidate or injure another individual.

6.15 Workplace Search Policy. The County is committed to safeguard our employees, their property, the public, the County and the County's property and to enforce the County's policies prohibiting misconduct including theft and the unlawful use, the possession, or sale of illegal drugs, alcohol, firearms, explosives, or other improper materials on the County premises.

Employees may be questioned and/or personal property or any area from which the County conducts business, including any leased spaces, facilities and/or vehicles may be inspected. (For example: vehicles, brief cases, tool boxes, computer bags, backpacks, lunch boxes, purses, computers, desks or any other container or object brought to and from the County's offices, properties, worksites or (County-sponsored functions) whenever there is reasonable suspicion to believe that any County policy is being, or has been violated.

The County may provide offices, desks, vehicles, computers or computer containers, lockers, tools, and other items for the use of County employees. At all times, these items remain the property of the County. The County may also search any work area and/or item whenever there is reasonable suspicion to believe that a County policy is being, or has been, violated. Employees are expected to cooperate with the County's workplace searches.

Violations of this policy are subject to disciplinary action, including, in the discretion of the County, immediate termination. Employees with questions regarding this policy should contact Human Resources or the County Attorney.

6.16 **Safety**. Vigo County is proud of its facilities and safe working conditions for employees. No matter how safe your working area may be, carelessness can cause you or a co-worker to suffer injury. You should know and follow common sense safety practices for your protection and the protection of fellow employees. Employees are responsible to comply with the safety rules and the use of safety equipment maintained by the County.

Suggestions regarding employee safety are welcome. Any suggestions or safety concerns should be reported to your responsible Elected Official, department head, and/or supervisor.

6.17 **Blood and Other Potentially Infectious Materials**. To protect employees and minimize or eliminate their potential exposure to blood and other potentially infectious materials, the following procedures must be followed:

1. All needles, broken glass and other sharp items that may be contaminated with blood or other potentially infectious materials may not be disposed of in waste receptacles. If employees need to dispose of such an item, they are to contact the Maintenance Staff whose personnel have been trained in the proper disposal of these materials. Broken glass that is not contaminated may only be cleaned up using appropriate equipment, i.e., broom and dust pan. Employees must not attempt to pick up glass with their hands.
2. Women are to dispose of sanitary products in the plastic or wax paper bags located in the restrooms. If an item has not been properly disposed of, employees are not to attempt to dispose of the item. They are to contact the Maintenance Staff who have trained in the proper disposal of these materials.
3. Employees are not to attempt to clean up any blood or other potentially infectious materials. They are to contact the Maintenance Staff, whose personnel have been trained in the proper clean-up procedure.

Other potentially infectious materials include: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

6.18 **Personal Appearance; Dress Code and Demeanor**. Employees are expected to attend to personal grooming and dress so as to present a neat appearance to the public. Discretion in style of dress and behavior is essential to the efficient operation of the County. Employees are, therefore, required to dress in appropriate business attire and to behave in a professional, businesslike manner. Employees should remember to dress and conduct themselves at all times in a way that best represents themselves and the County.

Work apparel should be clean, modest and appropriate to the employee's work

assignment. This policy outlines the minimal acceptable standard for dress.

A. Minimum Standards

1. Uniforms: Uniforms will be standard dress for all employees who work in a department requiring them.
2. Clothing and Accessories: Employees should dress and accessorize in a manner that projects a professional image and is appropriate to the type of work they perform. Within these professional guidelines, denim apparel is acceptable, but must be tasteful, dress denim and/or colored denim. Clothes and shoes need to be clean, neat, and in good repair.
3. Items considered inappropriate for a government environment include, but are not limited to:
 - a. bare back tops, halter tops, midriff tops, spandex tops or other formfitting materials
 - b. clothing or accessories bearing pictures or writing that states or implies nonprofessional, illegal, distasteful or suggestive language/activities
 - c. sunglasses without medical reason, (can be worn in outside work areas)
 - d. head coverings except when associated with professional, medical or religious rationale
 - e. visible tattooing that might be considered inappropriate
 - f. visible facial piercing exemplified by eyebrows, lip, or nose
 - g. house slippers, beach wear, plastic or rubbery thongs, clogs or flip flops, (leather sandals are acceptable)
 - h. shorts any length (tasteful, dress mid calf or longer capris and/or crop pants are acceptable) On Fridays only, knee length shorts.
 - i. sweatpants, spaghetti strap dresses, mini-skirts, (skirts worn should be knee level or lower)
 - j. overalls or bib overalls
 - k. excessively worn, frayed, or wrinkled items
 - l. revealing clothing
4. Personal Hygiene: All employees are required to be clean and maintain appropriate personal hygiene with regard to their body, hair and nails. Hair and nails need to be clean, neat, and of a reasonable length so as to not interfere with an employee's ability to perform the job. Sensitivity and moderation should be exercised in the use of fragrance products.
5. Appropriateness to the type of work being performed is the applicable standard if there is a question about the appropriateness of an employee's appearance or dress that is not specifically mentioned in this policy.
6. Employees who violate policy will be directed to leave the premises, without pay, to change their attire. Repeated violations of this policy will be addressed by responsible Elected Official, the commissioners, department head, or supervisor and may lead to discipline up to including termination of employment.

Individual departments may establish a policy more restrictive than the minimum standards presented in the general policy. More specific department policy should be an integral part of the initial department orientation and communicated as a standard expectation for every employee. It is the responsibility of the department head and/or supervisor to ensure both the general policy and any department policy are honored by every employee.

Employees are also required to keep their environments clean and orderly. Before departing, employees should lock appropriate files and cabinets and clear all work materials from desk surfaces, especially material of a sensitive or confidential nature.

Employees failing to adhere to proper County standards with respect to appearance and demeanor are subject to disciplinary action up to and including discharge.

6.19 Use of County Vehicles. Employees who need transportation in the course of the normal work may be assigned a County vehicle for the use on County business.

All employees required to drive a County vehicle in the course of employment shall have a valid operator's and/or chauffeur's license issued by the State of Indiana as well as be eligible for coverage under any applicable County insurance. Employees must understand that employment is contingent on the willingness and ability to drive and to meet the County's driver approval standards. A photocopy of a current valid Indiana driver's license must be kept in the employee's personnel file before the employee may drive a County vehicle. All employees operating County vehicles are expected to observe the "rules of the road" and to drive courteously.

Employees must report immediately to the department head and/or supervisor any accident, theft, or damage involving a County vehicle used on County business, regardless of the extent of damage or lack of injuries. Employees reporting such accidents are expected to provide a police report to the supervisor and to cooperate in any investigation of the accident and to prepare such reports or give such statements as the County and/or its insurance carrier may require. Payment of parking tickets and/or other traffic violations is the responsibility of the employee and shall not be reimbursed by the County. The use of a County owned vehicle while under the influence of drugs or alcohol or any other intoxicant is absolutely prohibited. In following the County tobacco free workplace, smoking is prohibited in County vehicles.

In addition, the County prohibits the use of County owned vehicles for personal business with the exception of driving to and from work. The County will follow the Federal tax regulations concerning valuation of take home vehicles. Taxes for the value of take home vehicles will be withheld from each paycheck.

Any violation of this provision shall result in immediate termination.

6.20 Parking. Employees are requested to park in designated spaces on the courthouse

and courthouse annex property, or at places provided at the work site. Under no circumstances should an employee use public parking spaces or spaces specifically reserved for officeholders.

6.21 **Personal Finances.** The assignment of wages or a garnishment order is regarded as a serious matter. Employees are expected to manage their personal financial matters to avoid the intervention of legal authorities or to necessitate withholding of wages by the County.

VII. **RECORDS**

7.1 **Personnel Files.** The County shall maintain a personnel history file of all employees, which is stored and located in Human Resources. The file shall include original documentation, but not necessarily be limited to, employee's application, name, address, training and experience, job title, salary, emergency contact, job description, evaluation, disciplinary action documentation, memos, notes of meetings, any changes of the above information and any other document relating to the employee. Each department head and/or supervisor can maintain a personnel file of copies pertaining to performance on each of his/her employees, but original documentation including medical information should be given to Human Resources for the centralized files. Medical information shall be maintained in a separate file other than the personnel history file of an employee. Storage of medical information should only be kept in Human Resources.

7.2 **Personnel Information Changes.** Employees are responsible for notifying Human Resources immediately of any change of address, telephone number, marital status, number and names of dependents and individuals to be contacted in the event of an emergency.

7.3 **Public Inspection of Personnel Information.** Access to personnel files by others is governed by all laws and regulations governing confidentiality of employee records. The following information relative to employees and former employees is available for public inspection at reasonable times and in accordance with the Indiana Access to Public Records and such procedures as the Board of Commissioners may prescribe: name, work address, work phone, position, title, job description, previous work experience, salary, date of employment, and status of formal charges against the employee and certain information regarding completed discipline as required by Indiana Code 5-14-3-4(b)(8) as amended. The following information is not available for public inspection: medical records, performance evaluation forms, personal history, eligibility list, and such other confidential papers as may be specified in these rules. Other personnel information may be made available for official purposes at the discretion of the Commissioners. The entire personnel file can be inspected by the employee or authorized representative.

7.4 **Calculation of Attendance and Accrued Leave.** See section 5.5, under

Compensation.

7.5 Destruction of Records. Employee service records shall be kept permanently after termination of employment. All other records for individual applicants who were not hired by the County, including correspondence and applications, will be destroyed after two years or as otherwise specified by the Commissioners.

VIII.

STANDARDS OF CONDUCT; DISCIPLINE

8.1 General Statement. It is the belief of the Commissioners that County employees are and will continue to be good citizens, both in the community and on their jobs, and that they will not ordinarily engage in acts which are contrary to the best interest of themselves, other employees, the citizens served or the County. However, in instances in which employees do engage in conduct, which is contrary to these interests, they will receive discipline appropriate for such misconduct. The degree of discipline up to discharge will be determined with the approval of the Commissioners or responsible Elected Official if required by these policies. Discharge of an employee may be undertaken only by the Commissioners or responsible Elected Official and may be with or without the recommendation of the department head and/or supervisor, or by the supervisor with the approval of the Commissioners.

8.2 Standards of Conduct. Employees are expected to maintain high standards of personal appearance, conduct, cooperation, efficiency and economy in their work. All employees should attempt to correct any unsatisfactory performance which is called to their attention and should also avoid any behavior and actions which conflict with County rules, regulations or standards, or which conflict with any State or Federal laws or local ordinances.

Every responsible Elected Official, department head and/or supervisor is expected to discuss improper or inadequate performance with the employee in order to correct deficiencies and to avoid the need for disciplinary action. The responsible Elected Official, department head and/or supervisor is also expected to administer discipline in a uniform and equitable manner. The responsible Elected Official, department head, and/or supervisor should also properly identify and document any performance problem.

County employees who are supervisors of other County employees are expected to be aware of the job performance of those employees who are under their supervision. Responsible Elected Officials, department heads and/or supervisors shall do the following:

- a. Prepare and keep current a job description for each position under his/her supervision which description shall identify the essential functions of the position.

- b. Prepare an employee evaluation of each newly hired employee, ninety (90) days from hire date and before the end of the six (6) months with a recommendation for retention or non-retention of the employee.
- c. Complete an employee evaluation of each employee within each twelve (12) month period of employment, and at the conclusion of any period of discipline.
- d. Provide consistent, appropriate discipline to employees who fail to perform the essential functions of their positions or to perform consistent with the standards and policies established by the Commissioners or responsible Elected Official, documenting all performance problems and the actions taken; consult with the Commissioners or responsible Elected Official regarding performance problems and actions taken; and make recommendations to the Commissioners or responsible Elected Official for discharge of employees.

In addition to the rules and regulations set forth elsewhere in this Handbook, the following rules and regulations are a guideline for the conduct expected of County employees. The list is not intended to be inclusive of all conduct which may occur or for which discipline may be imposed. The list only includes examples of the type of conduct which is not acceptable and which may result in disciplinary action including termination of employment.

- a. Any action during work hours or on personal time which causes discredit or distrust of Vigo County government, its elected officials and/or employees.
- b. Any action during work hours or on personal time which is a hindrance to the performance of the functions of Vigo County Government or any of its departments, offices or employees.
- c. Any unlawful act whether or not the act is related to the performance of the work associated with Vigo County employment.
- d. Failure to perform work of the County during scheduled work hours.
- e. Use of County time, property or other assets for personal matters or outside business.
- f. Insubordination.
- g. Failure to get along with and/or treat with respect others, including superiors, other employees and members of the public.
- h. Failure to perform County work in an efficient, competent and productive manner.

- i. Failure to preserve and maintain County property.
- j. Violation of any employment policy or rule.
- k. Any act which endangers or has the potential to endanger the health, safety or welfare of any County employee or member of the public including the employee himself/herself.
- l. Any act which is a violation of local ordinance or State or Federal law.
- m. Conviction of a crime.

8.3 Prerequisites for Discipline. Before any disciplinary action is taken, the department head and/or supervisor should determine:

- a. Whether the employee's action is a violation of an established rule, regulation or standard of conduct, which the employee knew or reasonably should have known;
- b. Whether an objective investigation has been conducted to ascertain all the facts;
- c. Whether similar discipline has been imposed for similar conduct.

8.4 Disciplinary action. Documentation pertaining to disciplinary actions, suspensions, and/or terminations must be given to Human Resources for personnel files.

The following types of discipline may be imposed for performance problems (Although individual steps of progressive discipline may be set forth below, the County may, at its sole discretion, skip some or all of these steps in dealing with any particular situation):

- a. Verbal Warning. When an employee's performance falls below the desirable standard, the department head and/or supervisor may point out the deficiencies at the time they are observed and inform the employee of the acceptable level of performance. When an oral warning is given, sufficient time to correct the deficiencies should precede additional disciplinary action whenever possible.

When a supervisor issues a verbal warning, a written memorandum should be made concerning the verbal warning. The written memorandum should be in the form provided for that purpose and should be placed in the employee's personnel file.

- b. Written Warning. A written warning may be issued after an employee has

received a verbal warning(s) that his/her performance is below the acceptable level of performance and the employee's performance has continued to be below the acceptable level of performance. A written warning may also be issued when an employee has violated a rule, regulation or standard of conduct that is, consistent with other disciplinary actions, considered by the department head and/or supervisor to be too serious for a verbal warning.

The department head and/or supervisor should complete a disciplinary action form concerning the written warning, should give a copy of the form to the employee and file the completed form in the employee's personnel file.

Following the written warning, the commissioners, responsible elected official, department head, or supervisor should prepare an employee plan of improvement to discuss with the employee on job performance.

- c. Suspension. When an employee's ongoing performance is below the acceptable level of performance or if an employee engages in conduct deserving of severe disciplinary action, the employee may be suspended for a period of one (1) to a maximum of thirty (30) days. Such suspension should be preceded by oral and/or written warnings whenever possible but may be imposed for conduct, which warrants immediate severe disciplinary action.

The department head and/or supervisor may at any time suspend a non-exempt employee of his/her office/department for a period not to exceed thirty (30) days without pay.

Exempt employees usually are paid salaries for management level positions, and any reduction to these salaries must comply with FLSA regulations, or the employees' status will be jeopardized. Under 29 C.F.R. 541.602, deductions from exempt employees' pay can be taken for disciplinary suspensions, these suspensions without pay are not permitted for less than one full workweek. In addition, the suspension must be imposed as a result of a serious violation of workplace conduct rules, such as engaging in dangerous behavior in the workplace.

A written report of the suspension should be made on the Disciplinary Action form. A copy of the report shall be given to the employee. The report shall be placed in the employee's personnel file. A copy of the report shall also be provided to the Commissioners for their review.

- d. Termination. The Commissioners and/or responsible Elected Official may terminate an employee at anytime with or without cause. If a department head and/or supervisor wish to have an employee in his/her office or department terminated, he/she shall provide to the Commissioners and/or responsible Elected Official a recommendation for termination which recommendation

shall include the reasons for the recommendation. If the circumstances permit, the department head and/or supervisor shall provide the recommendation in writing. If the circumstances require immediate action, the department head and/or supervisor may make a verbal recommendation of termination to the Commissioners and/or responsible Elected Official which verbal recommendation shall as soon as possible be reduced to writing and signed by the department head and/or supervisor. The recommendation of termination shall become a part of the personnel file of the employee.

The notice of termination by the Commissioners and/or responsible Elected Official shall be in writing, or verbally followed by a written verification, which written termination notice or verification shall be served on the employee personally or by certified mail, return receipt requested.

IX. SEPARATION

9.1 **Resignation.** To resign in good standing an employee shall submit a resignation in writing stating any reason(s) for resignation to his/her department head and/or supervisor at least two (2) weeks before the effective date of the resignation. Such notice is not provided by the use of accrued vacation or sick leave. Failure to comply with this provision will be entered on the service record of an employee and result in denial of future employment with the County.

A County employee officially separates his/her employment on the last day he/she works. Accrued leave benefits shall be calculated as of the last working day. Prior to leaving County employment, the employee should verify that the County has a correct address on file and fill out the appropriate PERF forms necessary to either receive the employee's deduction or to begin retirement. PERF refunds will not be issued until at least thirty (30) days after the employee's separation day. Insurance coverage is available under COBRA upon separation.

9.2 **Re-employment.** Former employees who have left the County in good standing may be considered for re-employment. If the employee is rehired to another County position, the placement of the rehired employee will be compliant to the current ordinance set by Vigo County Council. The employee shall not accumulate any benefits during the period of separation.

9.3 **Compulsory Resignation.** An employee who without valid reason fails to report to work for three (3) consecutive work days without authorized leave shall be separated from the payroll by order of the Commissioners and/or responsible Elected Official and reported as a termination.

9.4 **Layoffs**. Except in the circumstance where the County Council fails to fund a position, an involuntary separation based on the needs of the County to restructure or reduce its workforce may be considered a layoff referred to as a reduction in force (RIF). A RIF must be at the direction of the Commissioners and/or responsible Elected Official. A RIF plan must provide a mechanism to fairly and objectively determine what positions must be deleted in the event of a reduction in funding or other legitimate reason. The plan will generate a list of the employees who will be affected by the reduction. If specific segments or activities can be identified as being no longer affordable or necessary, then those positions will be eliminated and the employees who occupy those positions will be reassigned or laid off.

If the same functions or activities will still continue, but not as frequently, then grouping of positions based on similarities of responsibilities, job duties, salary range, and job title will occur, and those unnecessary positions will be eliminated and the employees who occupy those eliminated positions will be reassigned or laid off.

All employee benefits will terminate as of the time of layoff. Insurance coverage will be available under COBRA provisions. Any employee laid off as a part of a RIF will be paid for all accumulated vacation time. Any accumulated compensatory time will be paid for all non-exempt employees only.

Any employee recalled in any County position within ninety (90) days after layoff will have previously accrued sick time reinstated to them and previous years of employment added to their recall date for purposes of accruing vacation leave benefits. Reinstatement in the group insurance will be governed by the terms of the insurance plan.

If an employee does not accept an offered recall within three (3) business days, the employee will be terminated and considered to have voluntarily terminated employment due to lack of work.

If an employee is not recalled within ninety (90) calendar days of layoff, the employee will be considered involuntarily terminated due to lack of work.

9.5 **Loss of Job Requirement**. As allowed by law, any employee who is unable to adequately perform the essential duties and responsibilities of his/her position, because of loss of a necessary license or other requirement, shall be terminated. The employee may apply for an open position if qualified.

9.6 **Discharge, Involuntary Termination**. Discharges or involuntary terminations are separations by the Commissioners and/or responsible Elected Official or by the department head and/or supervisor with the approval of the Commissioners, for a reason or for no reason. Notice of the termination will be in writing and maintained in the employee's personnel file. If the termination is based on a reason, the reason will be noted in the written notice of termination.

As all employees are employed on an at-will basis, a discharge or involuntary termination may occur at any time during the course of employment including, but not limited to, during the orientation period.

When a decision has been made to terminate an employee, the employee will be notified of such decision by a written notice of responsible Elected Official. The notice will provide the employee of a time and place to meet with the responsible Elected Official for a termination meeting at which time the employer will discuss the reasons for the termination. Unless the employee is notified otherwise at the conclusion of the termination meeting, the termination will be effective at the time set forth in the notice.

Employees must return all County property, including identification credit cards, keys, cell phones, laptops and manuals, to the responsible Elected Official or department head and/or supervisor on or before the employee's last day of work or promptly upon request if employee does not return to work.

Arrangements for final paycheck will be made and information regarding insurance coverage and other information relative to employment will be explained.

At the time of notification, the responsible Elected Official, department head and/or supervisor will escort the employee from the County building or work location. The employee will need to make arrangements with the responsible elected official, department head and/or supervisor to acquire personal belongings.

9.7 Retirement. Retirement occurs when an employee concludes his or her working career with Vigo County through the retirement process.

9.8 Death. When an employee dies, his/her final compensation, accumulated annual leave and any other monetary benefits shall be provided to his/her beneficiary or his/her estate.

9.9 Reference Requests on past employees. All requests for an employment reference should be directed to Human Resources. The County's general policy regarding references for current or former employees is to disclose only the dates of employment, the title of the last position held, and compensation. No further information will be disclosed to third parties without an executed release from the employee holding the County and the third party harmless for such discretion and its use. The County reserves the right, in its discretion, not to respond to a request for additional information on a current or former employee. This provision is subject to the Indiana Access to Public Records Act.

X.

Problem Resolution

10.1 Problem Resolution using Grievance Procedures. Employees should feel free to consult with the responsible Elected Official, department head and/or supervisor on a less formal basis regarding employee complaints or disputes when appropriate. If a problem becomes so great that it cannot be worked out informally, the employee has recourse to an established grievance procedure, which provides a systemic and orderly method of adjusting complaints and differences of opinion between an employee and the County.

It is the policy of the County that employees should have an opportunity to present their work-related complaints and to appeal decisions through a dispute resolution procedure.

The County will attempt to resolve promptly all grievances that are appropriate for handling under this policy. Examples of matters, which may be considered, appropriate grievances under this policy:

1. A belief that County policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
2. Treatment considered unfair by an employee, such as coercion, reprisal, harassment or intimidation.
3. Alleged discrimination because of race, color, sex, age, religion, national origin, marital status or disability;
4. Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, etc.

Issues that are not grievable:

1. Scheduling and staffing issues.
2. Temporary work assignments which do not exceed (90) ninety calendar days.
3. Budget and organizational structure.
4. The measurement and assessment of work through performance appraisal, except where the employee alleges that the evaluation was discriminatory, capricious, or not job related.
5. The selection of an individual by an elected official to fill a position through promotion, transfer, demotion, or appointment.
6. Internal security practices established by the County.
7. Termination or layoff from duties because of lack of work, reduction of the workforce, or job elimination;

8. Any matter not within the control of the County;
9. Content of published County policies or procedures;
10. An action by the County pursuant to federal or state law;
11. Establishment and revision of wages and salaries, position classification and general benefits.

Employees who feel they have an appropriate grievance should proceed as follows:

1. Step One – Promptly bring the grievance to the attention of the immediate supervisor. The department head and/or supervisor is to investigate the grievance, attempt to resolve it and give a decision to the employee within a reasonable time. The department head and/or supervisor should prepare a written and dated summary of the grievance and proposed resolution for file purposes. (If the grievance involves the supervisor, then it is permissible to proceed directly to step two.)
2. Step Two - Appeal the decision, if dissatisfied with the department head and/or supervisor's decision. Such an appeal or initial complaint must be made in a timely manner using a grievance form provided for this purpose. The department head and/or supervisor's version of the grievance and the decision will then be submitted using a similar written form. The responsible Elected Official will confer with the employee, the department head or the supervisor and any other member of leadership considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved.
3. Step Three – If the employee disagrees with the facts set forth in the Responsible Elected Official's answer or the conclusions arrived at; the employee may file an appeal and request a meeting with the County Commissioners or with the County Attorney.

Decisions on grievances will not be precedent setting or binding to the outcome of future grievances unless they are officially stated as County policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.

Information concerning an employee grievance is to be held in confidence. Supervisors, department leaders, and other members of leadership who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information.

Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper use if an employee raises grievances in bad faith, or solely for

the purposes of delay or harassment or repeatedly raises merit less grievances.

Implementation of the grievance procedure by an employee does not limit the right of the County to proceed with any disciplinary action, which is not in retaliation for the use of the grievance procedure.

Employees in the orientation period may not use the grievance procedures.

The County may, at its discretion refuse to proceed with any complaint it determines is improper under this policy.

**ACKNOWLEDGEMENT OF RECEIPT OF
EMPLOYEE HANDBOOK**

I hereby acknowledge that on the date shown below I was given a copy of the Employee & Management Handbook for Vigo County Government. I understand it is my responsibility to read and familiarize myself with its contents, as well as abide by its terms as a condition of employment with Vigo County Government.

The purpose of this Employee Handbook is to provide brief, general information on County benefits and employment practices. The content of this Employee Handbook is subject to change without prior notice to employees. As such, I understand that the County does not intend to create a contract of employment by placing these matters in writing.

I have read the E-mail and Electronic Communication policy and agree to abide by its terms. I have read the Workplace Search policy and know that my workplace privacy is affected and limited by this policy.

I understand and agree my employment with Vigo County Government is for no definite period of time and that Vigo County Government may elect to discontinue my employment relationship for whatever reason it considers proper and at any time. This at-will status will continue despite changes in my compensation and/or position. And I understand that this handbook is not a statement, offer or confirmation of any guaranteed terms and conditions of employment. I likewise may leave Vigo County Government for whatever reason I consider proper and at any time.

Name _____
Print

Name _____
Signature

Date _____